

R E P O R T

FROM THE

C O M M I T T E E

APPOINTED TO

Enquire into the Practice and
• Effects of

IMPRISONMENT FOR DEBT.

Ordered to be printed 2d April 1792.

1491(94) ix. 662 off. criminal Reps.

Granville vol 47

R E P O R T, &c.

The Committee appointed to enquire into the Practice and Effects of Imprisonment for Debt have, pursuant to the Order of the House, enquired into the Matter to them referred; and have agreed upon the following Report.

YOUR Committee, in reporting the Result of their Enquiries, are, in the First Place, to state the Law and Practice respecting the Arrest and Imprisonment of Defendants on *Mefne* Process, and of Debtors in *Executions*; and, Secondly, to shew the actual Operation and Effects of the Law, as far as they can be collected from the Facts which have been established by Evidence before them.

Imprisonment on Mefne Process.

BY the Statute 12 Geo. I. C. 29. "*For the more effectual preventing frivolous and vexatious Arrests,*" it is enacted, "That from and after the 24th Day of June 1726, no Person shall be held to Special Bail" (that is, shall be liable to Imprisonment for Want of such Bail) "upon any Process issuing out of any Superior Court, where the Cause of Action shall not amount to the Sum of Ten Pounds or upwards, nor out of any Inferior Court where the Cause of Action shall not amount to the Sum of Forty Shillings or upwards." And the Statute 19 Geo. III. C. 70. stating, that "the Power of Arrest and Imprisonment on Mefne Process,

" *PROCESS*, issuing out of Inferior Courts, where the Cause of " *ACTION* does not amount to *Ten Pounds*, was found by Experience " to be attended with much Oppression to great Numbers of His " Majesty's Subjects," enacts, that no Person shall be arrested or held to Bail, upon any Process out of any Inferior Court, where the Cause of Action does not amount to *Ten Pounds*; so that now there can be no Arrest on *Maine Process* on a Demand under that Amount.

No subsequent Statute has raised the Amount of the Demand on which an Arrest may proceed, and Bail be required, since it was settled by the Statute of George the First, in the Year 1725: And that Statute, " for the more effectual preventing frivolous and " vexatious Arrests," instead of abridging, enlarged the Power of Arrest; for it had been the Practice of the Courts, for the greater Part of a Century before, to confine Arrest and holding to Special Bail to Cases where the Demand amounted to *Twenty Pounds* and upwards.

The Privilege of Peerage, of Parliament, and of Ambassadors, not being within the present Subject, the only Exceptions from the general Law at present are the Cases of Defendants within the Principality of *Wales* or the Counties *Palatine* (11 and 12 Will. III. C. 9.) and of Volunteer Seamen and Soldiers, who cannot be arrested or holden to Bail for any Sum under *Twenty Pounds*.

The Statute of George the First requires, that to authorize an Arrest, Affidavit shall be made by the Plaintiff of the Cause of Action, and the Sum or Sums specified in the Affidavit indorsed on the Back of the Writ or Process; for which Sum or Sums, so indorsed on the Back of the Writ, the Sheriff shall take Bail, and for no more.

The Plaintiff, if he does not sue as an Executor, Administrator, or Assignee, must, according to the Practice of the Court of *King's Bench*, swear to the Existence and Amount of the Debt positively and absolutely; and no cross Affidavit on the Part of the Defendant is admitted.

By the Practice of the Court of Common Pleas, an Affidavit of the Defendant is, with some Reserve, admitted to shew the Impossibility of the Debt, in Opposition to the positive Oath of the Plaintiff; and an Answer to new Facts is of course permitted on the Part of the Plaintiff. If the Defendant, after the Arrest, apply to be discharged on Common Bail by Affidavit, the Court will examine into the Foundation of the Arrest, and relieve him either totally, or by diminishing the Amount of the Bail, if the Circumstances of the supposed Debt are grossly improbable, or disproved by written Documents.

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And it appears from the Practice of all the Courts, both with respect to the Arrest and the subsequent Proceedings, that wherever they have a Discretion, the Judges proceed with a liberal Regard to personal Liberty.

A Defendant may be arrested, and for Want of Bail, imprisoned, upon the Affidavit of an Executor, Administrator, or Assignee, to *Belief* only that the Debt is due.

The Affidavit may be made by the Plaintiff's Wife, or a Third Person, and sworn before a Commissioner; which has been held by the Court of *King's Bench* to be sufficient, though the Commissioner was concerned as Attorney for the Plaintiff; but an Affidavit so sworn before a Commissioner, who is Attorney for the Plaintiff, is held not to be sufficient by the Court of *Common Pleas*.

An Affidavit sworn abroad, in foreign Parts, will not be received as of itself sufficient; but such an Affidavit made before a Magistrate of the Country where it is sworn, and supported by an Affidavit, made here, of a Person who was present when the Plaintiff's Affidavit was sworn abroad, confirming also the Truth of the other, will be received as sufficient to warrant an Arrest.

Where the Damages are uncertain, as in the Case of an Agreement or Covenant to indemnify, &c. or a Tort or Trespass, there can be no Arrest without a special Order of the Court, or a Judge, on a full Affidavit of the Circumstances. Such a special Order to arrest may, at the Discretion of the Judge, be granted where, for Instance, there has been a violent Battery or Mayhem, or where the Defendant is about to quit the Kingdom; but not without the Affidavit of another Person, swearing positively to the Cause of Action.

The Defendant may be arrested of course upon the common Affidavit in general Terms, in an Action of *Trover*, that is, an Action for recovering the Value of Goods, though there the Damages are uncertain; but in that Case the Defendant has a Right to bring into Court the Goods or Thing demanded, and, on so doing, to be discharged on Common Bail. And in every Case where there has been any Irregularity in the Arrest, the Courts have a discretionary Power to discharge the Defendant on Common Bail.

What is called *Common Bail*, is Bail in the fictitious Names of *Doe and Res*; merely to preserve the Form of Proceeding.

An Arrest may be made at any Hour by Day or by Night, and on any Day, Sunday excepted.

In the Execution of an Arrest on legal Process, the Officer having got peaceably in at the outer Door, may break open the Door of an inner Apartment to arrest the Defendant or Debtor; and may do so

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with Circumstances of extreme Violence. Accordingly, in a Cafe where the Officers had broken into a Bedchamber, in which the Defendant and his Wife were in Bed, and had conducted themselves with great Outrage; and in another, where the Door was broke open with such Violence that it fell, and with it the Officer, into the Room, it was held (necessarily as the Law stands) that as they had peaceably entered at the outer Door, there was nothing unlawful in the Arrest.

A Plaintiff may arrest the Defendant, imprison him for Want of Bail, and there detain him in Custody, though he knows and admits that such Defendant is *insane*; and the Courts cannot discharge the Defendant out of Prison, either where he has become insane while in Prison, or was insane at the Time of the Arrest.

Nor can the Court or Judges pay any Regard to Affidavits that the Defendant is in a State of dangerous Sickness, and cannot be removed from his own House, or detained in Prison, but at the extreme Hazard of his Life. They cannot make any Order to keep him in Custody in his own House, without carrying him to a Lock-up House or Prison in the one Cafe, nor for removing him from Prison in the other.

And the Law has made no Provision for supplying indigent Prisoners with necessary Food, Bed Clothes, or Covering of any Kind.

The Plaintiff cannot in any Cafe be obliged, either before the Arrest of the Defendant, or during the Course of the Action, on special Circumstances, however strong, to give Security that he shall prosecute the Action with Effect, or for the Damages which the Defendant may be entitled eventually to recover for being groundlessly and maliciously arrested and held to Bail; nor can he be required or compelled to give Security for Costs, except in the single Cafe where it shall be made appear, upon Motion to the Court, that he resides in a foreign Country, or beyond the Reach of the Laws of England.

A Defendant, after being arrested, is held to be in the Custody of the Sheriff, who is answerable to the Plaintiff accordingly for the Debt and Costs if the Defendant does not appear; and therefore the Sheriff, or his Officer, may suffer the Defendant to go free; but as the Sheriff is bound by the Statute of *Henry the Sixth* to take sufficient Bail, if offered, so, according to the ordinary Course, he requires a Bail Bond by Two Sureties who are House-keepers, for the Defendant's Appearance, to the Amount of double the Sum in the Writ.

A Defendant cannot relieve himself from Custody by depositing a Sum of Money in the Hands of the Sheriff or Officer to abide the Event, instead of Bail.

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If a Defendant under Arrest do not either pay the Plaintiff his Demand, or find Bail to the Satisfaction of the Sheriff, he must remain in the Custody of the Officer for Twenty-four Hours at least (32 Geo. II. C. 28); and may then, or sooner if, in the Case provided for by the Statute, it becomes necessary, be carried to Gaol. But though the Officer *may* then carry him to Gaol, he is not bound *so* to do, but may keep him in Custody in what is commonly called a *Lock-up* or *Spunging House*.

The Situation of a Defendant while thus in the Custody of the Sheriff's Officer has been anxiously provided for by the above Statute, 32 Geo. II. C. 28, which contains many Regulations for the Prevention of that Extortion and Abuse to which the Defendant's Circumstances might there expose him. And a Defendant (*if he find it convenient so to do*) may therefore insist upon being treated, while in the Custody of the Sheriff's Officer, according to the Rules laid down by that Statute.

If a Prisoner has been obliged to submit to Extortion, or if Advantage has in any Respect been taken by the Bailiff or Officer of the Prisoner's Situation, while in the Lock-up House, contrary to the Rules laid down by the Statute, the Prisoner may complain, by Petition to the Court, or a Judge in Time of Vacation; and *if he can make good his Charge* to the Satisfaction of the Court or Judge, the Officer will be punished under the Statute.

A Plaintiff proceeds regularly in his Action if he deliver a Declaration before the End of the next Term after the Writ is returnable. The Defendant may therefore be *Seven Months* in Gaol before the Plaintiff is obliged to deliver him a Declaration, stating fully the Cause of Action, and upwards of *Twelve Months* before the Cause is brought to Trial.

And during that Period, supposing there has been no Irregularity in the Arrest or Imprisonment (for in case of any such Irregularity the Courts, as before stated, have a discretionary Power to discharge) the Defendant has no Means of obtaining his Liberty, if he cannot find Special Bail; the Statute to be afterwards mentioned, commonly called the *Lords Act* respects only Debtors in Execution, and not Defendants on *Mefne* Process.

If, in consequence of the Plaintiff's neglecting to proceed according to the Practice of the Court, the Defendant is entitled to be *suspended*, or set at Liberty, he must proceed regularly for that Purpose as follows: He must get a Certificate of the Causes he is charged with, with an Affidavit (if he is in a County Gaol) of the Gaoler's having signed such Certificate; he must then take out a
Summons

Summons from a Judge, for the Plaintiff to shew Cause why a Writ of Superfedeas should not issue to discharge the Defendant; that Summons he must serve on the Plaintiff's Attorney, and if the Plaintiff's Attorney do not attend the Judge, Affidavit must be made of such Service, and of the Attendance of the Defendant's Attorney, upon which the Judge will grant an Order for the Defendant's Discharge. The Course of Proceeding is nearly the same when he is confined in the King's Bench or any other Prison.

If the Defendant is unable to defray the Expence of such Proceedings, he must remain in Prison, though legally entitled to his Discharge.

If he is able to defray the Expence, and obtains his Liberty either upon the Plaintiff's neglecting to proceed regularly, or discontinuing the Action, or being nonsuited, or a Verdict being given for the Defendant on Trial of the Cause, the Defendant is only entitled to Costs as they are *taxed* by the proper Officer of Court, and which are in no Case nearly sufficient to reimburse the Defendant what he is obliged to pay to his own Attorney; Costs, as between Party and Attorney, being considerably greater than Costs taxed and allowed as between Party and Party.

And a Defendant who has been so arrested and confined in Prison, pending the Proceedings in the Action, is in no Case entitled to any Allowance in Addition to taxed Costs for Damages, on Account of his Arrest and Imprisonment.

If, indeed, he can bring Evidence of Malice in the Plaintiff, and is able to support the Expence of a separate Action for maliciously arresting and holding him to Bail, he may recover Damages for the Arrest and Imprisonment. But it is not sufficient in such an Action to shew that the Demand on which he was arrested and imprisoned, was groundless; because it does not from thence follow, that the Arrest and Imprisonment was malicious. The Circumstances must be so strong, as to satisfy a Jury, that when the Plaintiff commenced the Action, he could have no Reason whatever to expect a Judgment in his Favour, upon its Merits.

An Indictment for Perjury must be supported by *Bill Arreger* Evidence, and besides affords no Means of Redress to the Prosecutor.

A Defendant may therefore be able to shew that he has been ruined by an Arrest and Imprisonment on an Action, which was discontinued by the Plaintiff after the Defendant had been several Months in Gaol, or was found on the Trial of the Cause to be groundless, and has no Means of obtaining Redress, or even complete Reimbursement of the Expence he has been obliged to lay out in defending himself, in Prison, against an unjust Demand.

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And the Whole has proceeded upon an Oath of the Party, which is not received as Evidence, or entitled to any Attention at the Trial of the Cause.

And your Committee farther report, That a great Variety of Proceedings is the Consequence of an Arrest, however small the Demand may be, if the Defendant do not go to Gaol, none of which are necessary, or can occur, where the Defendant is not arrested. Some of those Proceedings shall here be stated according to the Practice of the Court of King's Bench.

The Defendant, as already stated, must, in the ordinary Course of Proceeding, give a Bail Bond to the Sheriff, with Two sufficient Sureties; and in order that the same Bail may be afterwards received in Court, it is, in general, required that they shall be House-keepers.

Within a limited Time, Special Bail, or *Bail above*, must be put in, that is, the Bail given to the Sheriff, or Two other sufficient House-keepers, must enter into a Recognizance that the Defendant shall pay the Condemnation Money (*i. e.* the Debt and Costs for which Judgment shall be obtained) or render his Body to Prison. This may be done either before a Judge, or before a Commissioner in the Country; proper Notices in Writing being given of the Proceeding.

The Plaintiff may, within a certain Time *except* to the Bail, and insist on their appearing in open Court, and *justifying*, by swearing that they are House-keepers, and *each* worth *double* the Sum for which the Defendant was arrested, after their own Debts are discharged; due Notice in Writing being given. Or the Defendant may give Notice in Writing, that his Bail will justify in open Court, on a certain Day.

Bail may justify before a Commissioner in the Country.

If the Bail put in are willing to justify, and accordingly appear in Court ready to swear that they are House-keepers worth double the Sum for which the Action is brought, after their Debts are discharged, they may be examined on the Part of the Plaintiff; and if upon such Examination they are held to be insufficient, they are of course rejected.

If the Bail cannot, or will not justify, others must be procured for that Purpose in their Stead, the necessary Notice being given; and the former Bail must move the Court to be exonerated or discharged.

The necessary Notices in the Course of these, and other incidental Proceedings, must be proved upon Oath by Affidavits.

It is by putting in Special Bail above, or in Court, who can undergo this Examination, that the Defendant appears. If he

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has not therefore put in such Special Bail, or if the Bail, being *accepted* to, do not justify within the Time limited, the Defendant has not appeared, and the Plaintiff may elect, either to come in Place of the Sheriff, by taking an Assignment to the Bail Bond given on the Arrest for the Defendant's Appearance, (*i. e.* for his putting in sufficient Bail above) or to take the Sheriff himself for his Security, and proceed against him, as being responsible for the Defendant's Appearance.

If the Plaintiff chuse the former Course, he must apply to the Sheriff or the proper Officer acting for him, for an Assignment of the Bail Bond, which the Sheriff is bound by Statute, at the Request and Cost of the Plaintiff or his Attorney, to give; whereupon the Sheriff's Responsibility is at an End. And this is the proper Course, if the Plaintiff is satisfied with the Sufficiency of the Sureties taken by the Sheriff; in which Case he may take such Assignment to the Bail Bond in the First Instance, though the Time allowed for putting in Special Bail to the Action be not elapsed, or the Bail put in has not been rejected.

If the Plaintiff, dissliking the Sureties taken by the Sheriff, or from any other Motive, chuse the latter and more expensive Course of Proceeding, an Order or Rule of Court must be served on the Sheriff to return the Writ (*i. e.*) to make a Return to the Court of what he has done upon the Writ commanding him to take the Body of the Defendant. And the Sheriff must, in Consequence of his having arrested the Defendant, state in his Return *Capi Corpus*, or make no Return; in either of which Cases a Second Rule of Court must issue against him, commanding him to bring in the Body of the Defendant. This the Sheriff cannot *literally* obey, because the Defendant is not *actually* in his Custody; but the Object of the Rule is accomplished by his putting in, and, as already described, *perfitting* Special Bail for the Defendant; which Bail may either be the Sureties taken by him on the Arrest, or other Sureties as above stated.

In Addition to these Proceedings, occasioned by the Arrest of the Defendant, and holding him to Special Bail, a Variety of incidental Steps may, and generally do, arise from Circumstances; and besides the Notices, Affidavits, and Business in the Offices, which are managed by the Attornies in the Cause, the Appearance of Counsel, in the Course of such preliminary Proceedings, is frequently necessary.

The removing of Prisoners from one Prison to another by *Habeas Corpus*, and which they may themselves procure to be done, by Means of Process issuing at the Suit of a Friend, is also attended with a very considerable Expence.

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From the Time of the Arrest, the Defendant, though not actually, is legally in Custody, First of the Sheriff, and afterwards of the Special Bail, who are bound alternatively, either to pay the Condemnation Money or to surrender the Defendant. They can therefore take and surrender him, or he may surrender himself at any Stage of the Cause, and the Bail is thereby discharged, the Defendant being then imprisoned as if no Bail had been found: And in that Case the Effect of holding to Bail, and all the subsequent Proceedings, has only been to save the Defendant from Imprisonment pending the Action, at an Expence which must ultimately affect the Creditor, either if the Debtor was Insolvent at the Time of the Arrest, or has become Insolvent by what he has so expended for the Purpose of avoiding Imprisonment as long as possible. Every Item removes the Creditor One Step farther from the Satisfaction he is in Quest of.

The Attornies Bills on both Sides must be paid, and the Bail having at last discharged themselves by Surrender, nothing remains to satisfy the Debt, and reimburse the Creditor what he has been obliged to expend, but the Body of his Insolvent Debtor in Prison.

Imprisonment of Debtors in Execution.

UPON the Subject of Imprisonment of Debtors in Execution your Committee report as follows.

A Debtor may be imprisoned in Execution, upon a *Capias ad Satisfaciendum*, for a Debt of any Amount, however small; and though manifestly unable to discharge the Debt, and at all Times ready to give up his Effects, he may be detained in Prison, if his Creditor think proper, for Life, without any possible Means of regaining his Liberty, with the single Exception of a Debtor who happens, as a Trader, to be protected by the Certificate of Bankrupt.

A Person known and admitted to be *insane*, as he may be arrested on *Meine Proceß*, so he may be imprisoned in Execution, and detained in Prison for any Length of Time; the Courts not having it in their Power to discharge him, or take his Body from the Creditor.

A Prisoner in the King's Bench, or Fleet Prison, is confined either within the Walls, or what is called the *Ruler*, which is a certain District beyond the Walls, where the Prisoner lives at Large, in consequence of Permission given by the Keeper of the
Gaol,

Gaal, for a certain Fee, fixed at his Discretion, according to the Amount of the Debt. This Practice had its Origin in a temporary Arrangement whilst the Prisons were re-building, and has long continued.

The Rules of the King's Bench Prison are under the Control of the Court of King's Bench, and the Rules of the Fleet are under the Control of the Court of Common Pleas.

The Case of Debtors imprisoned on the Procepts or Warrants of Special Courts of *Conscience*, established by particular Acts of Parliament, is the Subject of a particular Statute, viz. 25 Geo. III. C. 45. The Evil or Mischief is described in the Preamble of that Statute as follows: "Whereas by various Acts of Parliament now in Force, and made to establish or regulate Courts for the Recovery of Small Debts, particularly in the City of London, the County of Middlesex, the City and Liberty of Westminster, the Tower Hamlets, and within the Town and Borough of Southwark, there is no uniform Time limited for the Duration of the Imprisonment of the Defendant or Debtor, against whom an Execution, Process of Contempt, or Precept in the Nature of an Excoication, is issued, for Non-payment of such Debts and Costs, Sum or Sums of Money, as by the Order or Orders of such Courts such Debtor or Defendant is ordered or directed to pay; but such Debtors or Defendants are by such Acts of Parliament to be committed to Prison, there to remain for an indefinite Length of Time, until he, she, or they shall perform the Order of the Court or Commissioners in that Behalf; so that it frequently happens, that a poor Person, who is not of Ability to pay a Debt of or under Forty Shillings, is imprisoned for many Months, and sometimes for Years, without a Possibility of being discharged: And whereas it often happens that poor Persons, who are committed to Prison by virtue of and in pursuance of the said Acts of Parliament, for a trilling Debt, are kept in Custody after they have been enabled to pay and discharge such Debt, for Gaol Fees, notwithstanding it does not appear by the Table of Fees in such Acts of Parliament that any Gaol Fees whatever are to be taken or paid:" For Remedy whereof, the Statute enacts, that where the Debt does not exceed Twenty Shillings, the Debtor shall not be confined for more than Twenty Days; and where it does not amount to or exceed Forty Shillings, he shall not be confined more than Forty Days; and he is to be discharged without Payment of any Fees claimed as Gaol Fees or Discharge Fees.

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The Statute 32 Geo. II. C. 28. commonly called the *Lord's Act*, lately extended by 26 Geo. III. C. 44. is confined to the Case of Debtors in Execution for any Sum or Sums of Money, not exceeding in the Whole £.200, formerly £.100; and even in that Case a Debtor cannot obtain his Liberty if his Creditor think proper, on certain Terms, to prevent him. But, in order to give a correct View of the Operation of that Statute, your Committee will, in the First Place, state the Course of Proceedings, which the Statute prescribes to the Insolvent Debtor: And, Secondly, the Nature of the Relief which he may obtain under it.

Before an Insolvent Debtor, whose Case falls within the Description of the Act, can obtain any Benefit under it, he must, at his own Expence, proceed as follows:—After making up a *Schedule*, or Account in Writing of his Estate and Effects, he must, Fourteen Days before presenting his Petition, cause a *Notice* in Writing to be served on the Creditors, at whose Suit he stands imprisoned, at their usual Place or Places of Abode, or if they cannot be met with, on their respective Attornies or Agents; in which Notice a Copy of the *Schedule*, which the Debtor intends to deliver into Court, must be set forth. A *Petition* must then be drawn up, and presented to the Court out of which the Process issues, or into which he may have been removed by *Habeas Corpus*, certifying the Cause or Causes of his Imprisonment, and setting forth a particular Account of the Estate and Effects then belonging to him, or which did belong to him at the Time of his first Imprisonment in the Action, and of all Securities, Deeds, and Writings respecting the same, with the Names and Places of Abode of the Witnesses to such Securities, Deeds, and Writings, so far as he knows. An *Affidavit* or Affidavits of the due Service of every such Notice must then be delivered with the Petition at the Time of presenting thereof, and openly read in Court. Oath must also be made, if any Part of his Debts have been paid, that the Petitioner remains in Execution for no greater Amount of Debts than the Act prescribes. If the Court find that the Notices have been regular, and duly served upon the Creditors, the Petition is then received. Upon which the several Creditors must be *summoned*, on a Rule of Court, to appear personally in Court on a certain Day. And, lastly, an *Affidavit* or Affidavits must be made of the due Service of such Rule or Order. The Court are then in a summary Way to examine into the Matter, and the Prisoner having made Oath in open Court that he has made a full and fair Discovery of his Estate and Effects, the same are to be assigned over to the Creditor or Creditors who shall have charged any such Prisoner in Execution, to be sold and disposed

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of with all convenient Speed, for the Benefit of such Creditor or Creditors, and the Net Produce thereof divided among them. Prisoners in Goal, at the Distance of more than Twenty Miles from Westminster Hall, are to be brought up at the Assizes; or, if in *Wales*, or the County Palatine of *Chester*, at the respective Great Sessions.

If the Insolvent Debtor has been able to defray the necessary Expence of these Proceedings, and *no Irregularity or Defect appear in them*, he is entitled to the Benefit of the Statute. And the Nature of that Benefit is now to be stated.

If none of the Creditors who have charged him in Execution insist on his being still detained in Custody, after he has thus surrendered his Effects, or if he has not been charged in Execution since his Petition was presented, he is to be discharged, and set at Liberty.

But any One Creditor, who has charged him in Execution, may, without assigning any Reason whatever, after the Prisoner has been at the Expence of proceeding as above, and has surrendered his Effects upon Oath, insist upon the Prisoner's being still detained in Prison. In that Case, the Court *may* remand him—and he may be confined in Prison for Life, provided the Creditors agree to allow and regularly pay him *Four Pence* a Day for his Subsistence.

If none of the Creditors think proper to detain him on these Terms, and he obtains his Liberty, he may be instantly seized upon a fresh Arrest, and again imprisoned, by any Creditor at whose Suit he was not in Execution at the Time of his Discharge; in which Case he must again (if he is able) go through the same Course to regain his Liberty, or the Alternative of a *Great a Day* in Prison.

YOUR Committee further report, That as an honest imprisoned Debtor, who is ready to shew that he has been reduced by Misfortune to a State of Insolvency, and who has no Property, or is willing to give up what he has, may be detained by his Creditors in Prison for Life, so a dishonest Insolvent Debtor, who is not within the Bankrupt Laws, and in fact declared a Bankrupt, or who is not within the above Statute, commonly called the *Lords*

Act,

All, and in fact brought up by his Creditors under it, and who is possessed of Property, may use that Property, or dispose of it at Pleasure, to the Exclusion of his Creditors at whose Suit he is imprisoned; because it has long been established at Common Law, that a Creditor who imprisons his Debtor's *Body* in Execution, thereby loses his Right of Execution against his Debtor's *Estate*, upon the Principle that the Imprisonment of the Debtor in Execution is a complete Satisfaction of the Debt to the Creditor.

The Statute 21 James I. C. 24, which recognizes this as established Law with respect to the Debtor's Estate during his Life, does no more than declare, that the Creditor's Right of Execution against whatever Estate his imprisoned Debtor may have belonging to him, *if he die in Execution*, shall then revive.

That Statute describes the Evil as follows: "Forasmuch as daily Experience doth manifest that divers Persons of Sufficiency in Real and Personal Estate, minding to deceive others of their just Debts, for which they stood charged in Execution, have obstinately and willfully chosen rather to live and die in Prison than to make any Satisfaction according to their Abilities:" Therefore it is declared and enacted, "That the Party or Parties at whose Suit or to whom any Person shall stand charged in Execution for any Debt or Damages recovered, his Executors, &c. may, after the Death of the Person so charged, and dying in Execution, lawfully sue forth, and have new Execution against the Lands and Tenements, Goods and Chattels, or any of them, of the Person so deceased, in such Manner and Form, &c. as if such Person so deceased had never been taken or charged in Execution."

But the Statute, while it confirms the Common Law which takes from the Creditor his Execution against the Property of his imprisoned Debtor, has provided no Means by which the Debtor can be prevented from spending or dissipating his Estate in Prison; or from conveying away or disposing of his Effects, so as to render the Right of Execution, on his Death, abortive.

And your Committee report, That by the *Lords Act*, which authorizes Creditors to require every Prisoner, in Execution at their Suit (who is imprisoned for Debts not exceeding *Two hundred Pounds* in Total Amount) to give up or surrender his Effects, it is Enacted, That every such Prisoner so required, who shall neglect or refuse

refuse to deliver in a just and true Account of his Estate and Effects, and refuse to assign the same, shall, upon Conviction, be transported for Seven Years.

But your Committee do not find, that Imprisonment for Debt is in any other Instance made the Means of exposing Insolvent Debtors to Examination and Prosecution for fraudulent Conduct of any Kind or Description. Nor is a *fraudulent Insolvent Debtor*, as such, the Object of public Punishment.

PART

P A R T II.

YOUR Committee having, in the former Part of this Report, stated the Law respecting Imprisonment for Debt, both on *Mefne Procefs* and *in Execution*, and that which has been established as legal Practice; for the Purpose of shewing what *may* be done by Debtors to defraud their Creditors, and by Creditors to harass, oppress, or extort from their Debtors, are now to report what *actually* does happen under the Operation of the Law and Practice which have been so established.

This they have been enabled to do by Evidence obtained in the following Course of Enquiry.

In Consequence of an Order made in the last Session of Parliament, directed to the Sheriffs of the several Counties in *England and Wales*, and the Town of *Berwick upon Tweed*, that Lists should be prepared and returned of the Names of all the Persons who should be confined for Debt on the 1st Day of October 1791, in the several Prisons within *England, Wales*, and in *Berwick upon Tweed*; distinguishing whether such Persons were so confined in Execution or upon *Mefne Procefs*; and specifying the particular Sums for which such Persons were charged respectively, and the Times when they were first committed, and which of them were married and had Children, as far as it could be done; and also specifying how many of the said Debtors receive Allowances under the Acts commonly called the *Lords Acts*, with several other Particulars which it is not here necessary to mention;—and in Consequence of other Orders to the same Purpose, Returns have been made from the following Prisons; viz. The *King's Bench, Fleet, Newgate, Ludgate, Poultry Compter, New Compter, Borough Compter, Whitechapel, Anglesy, Aylesbury, Appleby, Bedford, Berkshire, Bristol, Brecknockshire, Berwick, Buckinghamshire, Cambridge, Chester, Coventry, Chelmsford, Cardiff, Cornwall, Cumberland, Carmarthen, Cardigan, Denbigh, Durham, Devon, Dorset, Exeter, Flint, Gloucester County, Gloucester City, Gower, Hampshire, Huntingdon, Harbham, Hertfordshire, Herefordshire, Kent, Kingston, King's Lynn, Lewes, Lincoln Castle, Lincoln City, Lancaster County, Leicester,*

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Leicester, Leicester City, Mansfield, Montgomery, Newcastle, Newark, Nottingham, Norwich, Norwich Castle, Nottinghamshire, Northumberland, Northamptonshire, Oakham, Oxford, Portsmouth, Pembroke, Stafford, Surrey, Southampton, Salop, Suffolk, Worcester City, Worcester County, Wiltshire, Warwick, Westmoreland, Great Yarmouth, Yorkshire, comprehending York Castle, Batley, Eberfield, Huddersburgh House, Richmond, Beverley, and Beverley Hall-Garth Goals.

No Returns have been made from the other Prisons in the Kingdom, and some Delay has arisen on that Account; but as your Committee were of Opinion, upon inspecting the Returns received, that they afforded ample Materials for a Report upon the Facts which they wished to ascertain by such Returns, they have thought it unnecessary to delay their Proceedings longer till more complete Returns could be obtained.

Your Committee, appointed in the last Session of Parliament, having visited His Majesty's Goal of the King's Bench, and there made such Enquiries as they thought material; and having examined the Marshal of that Prison, Warden of the Fleet, and Keepers of other Prisons, and such other Persons as had Opportunities, either Officially or otherwise, of knowing material Facts, your Committee have likewise before them the written Minutes of such Enquiries and Examinations.

Your Committee having also in the Course of the present Session of Parliament examined several Witnesses, Copies of the Minutes of their Examinations, with those of the Committee appointed in the last Session of Parliament, are to be found in the Appendix to this Report.

A great Number of Accounts in Writing of the particular Cases of Prisoners for Debt, as stated by themselves, have been presented to your Committee; but although many of those Cases contain Charges sufficient strongly to suggest the Necessity of affording to Prisoners some Opportunity of being legally heard, yet your Committee do not think it proper to report upon Circumstances stated on one Side only, where they are not supported by better Evidence.

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Arrest and Imprisonment on Mesne Process.

IT has been stated in the former Part of this Report, that an Arrest and Imprisonment on Mesne Process may proceed on an Affidavit of Debt to the Amount of £.10. The following Facts will shew the Extent of the *Practice* under this Law.

It appears from the Evidence of the acting Under Sheriff of *Middlesex*, speaking from the Entries in his Books, that there are issued Annually into that County alone, exclusive of *London*, about 9,500 bailable Writs, that is, Writs on which the Defendant must be imprisoned, if he do not find Bail; and that between 5 and 6,000 Arrests, on such Writs of Mesne Process, are actually made.

Of the 9,500 bailable Writs Annually issued into that County, about 7,000 appear to be for Sums under £.50.

And about Half the total Number of Writs are for Sums under £.20; the Number of bailable Writs for such small Sums increasing rapidly.

Of the Number of those Defendants who are actually arrested in *Middlesex*, exclusive of *London*, some Thousands are stated to be Annually carried by the Officers or Bailiffs to what are called *Lock-up* or *Spunging Houses*; not One out of Five settling the Debt on the Arrest.

About 900 of the Defendants so arrested in *Middlesex*, exclusive of *London*, are supposed actually to go to Prison.

And more than One Half of those who go to Prison, are committed for Debts under £.20.

It appears from the Evidence of the Secondary of *London*, that about 3,055 bailable Writs are issued into *London*, as distinct from the County of *Middlesex*—and other Particulars are stated to be nearly in the same Proportions as in *Middlesex*.

A Fee is usually paid to the Officer who makes the Arrest, in proportion to the Amount of the Debt.

The usual Expence of an Arrest and completing the Defendant's Appearance by Special Bail, in a simple Case, unattended with special Circumstances, or extraordinary Proceedings, is stated to be about £.8 for One Action, the Expence increasing according to the Number of Actions, so that if a Defendant is held to Bail on Three Actions for £.10 each, the Expence of the Arrest, and the necessary Proceedings in Consequence of the Arrest, viz. completing his Appearance

Sheriff's Evidence.

County's Evidence.

Appearance by Special Bail, will amount to about £. 24 or £. 25. This is computed by the acting Sheriff of Middlesex as the *best* possible Expence in such a Case.

But as there are frequently extraordinary incidental Proceedings occasioned by the Arrest and holding to Bail, such as have been mentioned in the First Part of this Report, the Expence is of course on many Occasions considerably greater.

The Surrender of the Defendant in Discharge of Bail very frequently occurs after the whole Expence of the Arrest and holding to Bail has been incurred; and in that Case, as before stated, the Plaintiff is in the same Situation as if no Proceedings subsequent to the Arrest had taken Place. The Defendant is thus surrendered, sometimes by Bail put in by himself, and sometimes by Bail put in by the Sheriff, which in Practice is often done by the Sheriff for the single Purpose of surrendering the Defendant.

A Deposit of Money is frequently offered by the Defendant to the Sheriff or his Officer on the Arrest, to abide the Event, instead of Bail, which the Party may not, in many Situations, be able to procure. But such a Deposit of Money, though it equal the Amount of the Debt, is always refused by the Sheriff (but not always by the Officer) as contrary to Law.

The Sheriff is bound to take sufficient Bail if tendered to him, yet he usually insists upon having a Bail Bond executed by the Defendant himself, and Two Sureties who are House-keepers. The Defendant's Attorney indeed sometimes undertakes for his Appearance; and if the Sheriff thinks him sufficient, he accepts of his Undertaking instead of Bail.

As the Sheriff, being answerable, generally requires Two Sureties who are House-keepers, and able to make Oath that they are each worth double the Sum sued for (which, if they are afterwards tendered as Special Bail above, they may be required to do) it is often very difficult for a Defendant to procure Bail to the Sheriff's Satisfaction.

When the Defendant cannot find Bail, or satisfy the Sheriff, he must go to a *Lock-up House*, and often remains there a considerable Time at a great Expence, notwithstanding the Regulations of the Statute of George the second, for the Purpose of preventing Extortion. It has already been stated that besides those who are at last committed to Gaol, some Thousands of Defendants are in the Courts of a Year carried to these Houses, in the County of Middlesex alone, exclusive of London.

It appears that Persons are frequently procured by the Defendant or his Attorney, as Special Bail, who are ready to make Oath that they are sufficient, and worth double the Sum sued for, when in Fact it turns out upon Examination, at *judging*, that they are worth

worth nothing; and are consequently rejected. If the Plaintiff do not take Exception to the Bail tendered, and proceed in the proper Course for guarding against such Practices, he frequently discovers in the End, that the Bail are Persons of no Substance, who have perjured themselves in the Course of their ordinary Occupations.

Bad Bail is frequently tendered by the Defendant's Attorney, where it appears that good Bail might have been procured. If no Exception is taken, the Plaintiff can only be the Loser; and if Exception is taken, the Bill of Costs is thereby much increased—it is a more profitable Law Suit.

The Sheriff being answerable if the Plaintiff does not discharge him by accepting of an Assignment of the Bail Bond taken by him on the Arrest, and being compellable by Rules or Orders of Court, which are attended with a considerable Expence, to put in good Bail for the Defendant, he is often in Practice obliged to do so; in which Case, if the Defendant can be found, he takes his Body, and surrenders him in his Discharge, which brings the Matter back to the same State as if none of the Proceedings respecting Bail had taken Place.

But the Sheriff is often obliged to pay the Debt, as he cannot find the Defendant; and in that Case, the original Arrest and holding to Bail gives Occasion to a new Action against the Defendant, at the Suit of the Sheriff, who comes in Place of the original Plaintiff. The Debt has changed Hands, but it is still due by the Defendant, with a great Addition, in Consequence of the Expence occasioned by his Proceedings to avoid Imprisonment.

As there is nothing in Law to prevent the Arrest and Imprisonment for Want of Bail of a Person *in/sens*, so it appears in Point of Fact, that Persons in that Situation are so arrested, committed to Prison, and there detained.

And as there is nothing to protect Persons who are in the utmost Extremity of Sickness from the fatal Consequences of a sudden Arrest and Imprisonment in a common Gaol, or to entitle them to be removed into a sifter Situation, so it appears that many Persons die within a very short Time of their Commitment to Prison. On this Subject your Committee (observing what may be done) have not thought it necessary to make any particular Enquiries to authenticate Accounts which have been given of very remarkable Instances of Cruelty and Oppression exercised towards Defendants and Debtors in

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Circumstances

Circumstances of such extreme Distress; but the Returns which have been received, imperfect as they are with respect to the Number of Deaths in Prison, afford some Examples, the Amount of which shall be stated.

One Woman died the same Day on which she was committed to Prison. A Man died the next Day after his Commitment—Three Persons died within a Week—Six within a Fortnight—Fourteen within a Month—and Twelve within Two Months after their respective Commitments. But there are many Prisoners who gradually decline, and live a considerable Number of Years in a State of Disase, occasioned by their Confinement.

It happens very frequently, that Persons imprisoned as Defendants are entitled to their Discharge in Consequence of Judgment in their Favour, or by the Plaintiff's discontinuing the Action, or not proceeding regularly; and are unable, for Want of Money, to procure their Discharge or Superfedas. The necessary Proceedings, which are indispensable in such Cases, have been stated in the former Part of this Report.

Cassell's
Evidence.

Of about 700 Prisoners Annually discharged or relieved by the Charitable Society (commonly called the *Thatched House Society*) to be afterwards mentioned, about 130 appear to have been Persons in that Situation, against whom there no longer remained any Cause of Imprisonment, but who could not raise Money to proceed regularly for regaining their Liberty; and Care is taken by that Society not to discharge any whose Conduct and Character has not undergone the strictest Enquiry, and been found unexceptionable.

There are other Defendants who choose to live in Gaol after they are entitled to their Liberty; and if they live within the Rules of the Prison, as they pay for that Privilege (which will be explained in the Sequel) they are often suffered to remain.

Wheat's
Evidence.

Of 260 Prisoners in the Fleet Prison, 80 were within the Rules; and of the 80, 58 were superfedable, that is, Persons entitled to be set at Liberty upon proceeding regularly for that Purpose. It sometimes happens, that Persons of that Description, within the Rules, are upon an Application to the Court turned out by the Keeper of the Prison; and, as there are Persons who procure themselves to be imprisoned on what are called *Friendly Assizes*, a Rule was made for turning such Prisoners out of their Rooms.

Tongue's
Evidence.

There are other Circumstances which prove, that to Debtors of the worst Description a Prison is no Punishment; but on the contrary, that

that such Persons find an Interest, or a Gratification in remaining in a Situation full of Misery to the Honest.

It appears to your Committee, that by much the greater Part of the total Number of Persons in Prison are thus imprisoned on *Mefne Procefs*.

The total Number of Prisoners for Debt, stated to be in the different Gaols from which Returns have been made, is 1,957, besides about 100 more for Debts due to the King, Forfeitures of Recognizances, &c. And of that total Number 1,251 are Defendants on *Mefne Procefs*. Of these, 326 are imprisoned on Demands under £. 20 ; 392 from £. 20 to £. 50 ; and 215 from £. 50 to £. 100.

It often happens that a Defendant lies several Months in Prison before any Declaration is delivered by the Plaintiff into Court, stating fully the Cause of Action, and Twelve Months before the Cause comes to Trial, during which Time he is treated in the same Manner as if there had been a Judgment against him ; no Distinction being made between *Defendants* on *Mefne Procefs*, who are not Debtors till Judgment is given against them, and who may be found to owe nothing ; and *Debtors* in Execution, who are confined for not paying what they justly owe.

And in no Instance does it happen that a Defendant who has thus suffered the Hardships of close Imprisonment during the Course of the Action, and has, upon Trial, a Verdict and Judgment in his Favour, receives full Reimbursement by the Costs given against the Plaintiff, for the Expence actually and necessarily laid out in defending himself against an Action which is found to be groundless ; because the Costs so recovered (supposing the Plaintiff to be a solvent Person) are never equal to those which the Defendant is bound to pay to his own Attorney.

And such a Defendant, who has been so imprisoned without a just Ground, perhaps to the Ruin of his Family, never does receive additional Damages on Account of his groundless Imprisonment, nor any Consideration for his Loss of Time and Labour ; a separate Action being necessary to entitle him to recover such Damages.

Nor does it often happen, that a Defendant who has been arrested, imprisoned, and detained in Gaol without just Cause, and has had a Verdict and Judgment in his Favour, can support such an Action (supposing him able to defray the Expence of bringing it) by sufficient Evidence ; it being necessary, as stated in the former

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Part of this Report, to prove Circumstances to shew clearly a malicious Intent in the Defendant, and not merely that he arrested and held him to Bail without a probable Cause. Accordingly it appears that such Actions are not often brought; and when they are brought, they are very seldom attended with Success.

Imprisonment in Execution; and the Operation of the Statute commonly called the Lords Act.

As the Law has not said that a Debtor, against whom a Judgment has been obtained, shall not be arrested or imprisoned in Execution, if the Debt do not amount to a certain Sum, (as in the Case of Arrest on *Mefne Process*) it happens very frequently that Debtors are carried to Prison, or detained in Execution, for Debts of a very small Amount, and in Circumstances which afford no Prospect of Payment to the Creditor.

And such Debtors, so imprisoned for very small Sums, are often confined for Life, or for a very long Course of Years.

Bartholomew's.

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Of the total Number of Prisoners stated to be in the different Gaols from which Returns have been made, amounting to 1,957, besides about 100 more in Confinement for Debts to the King, Forfeiture of Recognizance, &c. 706 appear to be Debtors in Execution; of these 110 are in Execution for Debts under £.20, and some of these have been Eight Years, others Nine Years, and One Ten Years in Prison; 185 are in Execution for Debts from £.20 to £.50, and some of these have been Eight, others Nine, and others Ten Years in Prison: *One Man has been Twenty-four Years in Prison for £.35*; 141 are in Execution for Debts from £.50 to £.100, some of whom have been confined Seven Years, One Nine Years, and One Ten Years; and 270 are in Execution for Debts of £.100 and upwards, a considerable Number of whom have been in Gaol Nine Years, some Ten Years, and others Eleven Years.

One Man is stated to have been in the Fleet Prison in Execution since the Year 1783 for £.4. 10s.—another is returned as a Prisoner in Newgate for £.6. 12s.—a Woman for £.7. 19s. 11d.—a Man for £.8. 7s. 1d.—and a Woman in the Marshalsea for £.9. 6s.

Some of the Returns have stated the Number of Prisoners who have died in Gaol since the Year 1780; but owing to the Change of Gaolers, and the Want of regularly-kept Gaol Books (at least this is the Reason assigned in many of the Returns) the Accounts received on that Head are very deficient. The Numbers which appear are 103 who have died since the above Period in Prison for Debts

Debts under £.20; Nine of whom had been Two Years, Four had been Three Years, and One Five Years in Gaol—a *Woman* died in the *County Gaol of Devon*, after being a *Prisoner Forty-five Years* for £.19—137 have died in Prison for Debts from £.20 to £.50, Sixteen of whom had been Two Years, Ten Three Years, and One Eleven Years in Gaol—75 have died in Prison for Debts from £.50 to 100, Nine of whom had been Two Years, Five Three Years, and One Nine Years in Gaol—and 127 had died in Prison for Debts of £.100 and upwards, Twenty-two of whom had been Two Years, Nine Three Years, Two Seven Years, One Ten Years, and One Fifteen Years in Gaol.

The greater Part of Prisoners for Debt appear to be married; and many of them have very large Families; some Five, others Six, and others Ten Children. Of 570 Prisoners in the King's Bench, about 340 have Wives and Children; and according to the Returns, the total Number of Wives and Children belonging to the Persons then in Prison, as far as the Number could be ascertained with respect to those Gaols from which Returns have been received, was 1,300 *Wives* and 4,088 *Children*.

The Circumstances in which Children, who are in Gaol with their Parents, live and are brought up, will appear in the Sequel.

Much the greater Part of Prisoners for small Debts are of the Description of *Manufacturers, Labourers, and Servants*. *Stafford's Evidence.*

Besides the County and other public Gaols, there are many Gaols within the Kingdom which belong to certain inferior Courts of Law. The Prison in Whitechapel, belonging to the Court of Record within the Manor of Stepney and Hackney, in which the Mode of Proceeding was regulated by an Act passed in the 21st Year of His present Majesty, is One of those Gaols. It is confined to the Imprisonment of Debtors whose Debts do not exceed £.5; and the following Particulars are given in Evidence by the Gaoler:—He stated, that he had not at that Time any Prisoners for Debt; that he had been Keeper about Seven Years; that the Court to which the Prison belonged did not proceed by Arrest, but by Summons, and no Prisoners were received but in Execution; that the

Stepney's Evidence.

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Prison was in the Custody of a private Individual; that the Prisoners charged in Execution are confined a Week for every Pound of the Debt and Costs with which they stand charged; that the Costs are always Fifteen Shillings in every Suit; but if the Amount of the Debt fixed for is fractional, so as to complete with the Fifteen Shillings the Sum into Pounds, the Prisoner is detained at the Rate of One Pound per Week; if the Costs remain at a Fraction beneath a Pound, they are not considered in the Term of Imprisonment. There is only One Ward in the Prison. Before Lord Beauchamp's Act there have been an Hundred confined at a Time, but that there never have been above Three at a Time since he had been in Office.

The Clerk of the Borough Compter states, with respect to Prisoners from the Courts of Conscience (who are confined, as stated in the former Part of this Report, for Debts not exceeding Forty Shillings; Twenty Days for Twenty Shillings, and under that Sum; and Forty Days for all Debts above Twenty Shillings) that he received Two or Three hundred Prisoners every Year of this Description; that in general they consist of young hearty Men, who are of some mechanical Trade; and that where One pays the Debt in consequence of his Imprisonment, Twenty are discharged after paying out their Time.

In February 1772, a considerable Number of well-disposed Individuals formed themselves into a Society for the Relief and Discharge of unfortunate Persons imprisoned for small Debts, commonly called *The Thatched House Society*; which was at first confined to London and its Neighbourhood, but afterwards extended its Operation to the Country. *Lord Romney* was President, and *Lord Viscount Beauchamp*, *Lord Chief Baron Smythe*, *Mr. Justice Nares*, and *John Thornton, Esquire*, were Vice Presidents. They proceeded on a Plan well calculated to prevent Imposition, and secure the right Application of their Bounty. The leading Rule with regard to the Objects of their Charity is in the following Words: "That such Debtors shall have the Preference as are
 " most aged or infirm, have the largest Families unprovided
 " for, are the most likely to be useful to the Community, and
 " appear to have lost their Liberty by unavoidable Misfortunes; as
 " least not by Fraud, Vice, or Extravagance." And to enable them to carry this Rule into Execution, their Practice is to oblige each Petitioner " to name Two respectable Housekeepers as
 " Vouchers

" Vouchers for his Integrity, Sobriety, and Industry; to whom the Society constantly refer their Enquiries, and by these Means preclude almost the Possibility of Imposition."

This Society, having adhered steadily to their Plan since its first Institution, and distinguished on every Occasion between the unfortunate and the culpable or fraudulent indebted Debtor, your Committee thought it fit to examine the Secretary upon such Points as might be ascertained by their Proceedings and enquiries.

Accordingly it appears from his Evidence, that at the Expense of £. 29,384. 10 s. 2 d. the Society had discharged from Prison and relieved 12,590 Prisoners for small Debts, whom they had found to be honest unfortunate Persons, utterly unable to pay their Debts; who had 7,842 Wives and 23,268 Children, amounting in all to 43,700 Persons; so that the Average Sum expended for obtaining the Discharge of each Prisoner, and thereby restoring useful Men to the Public, and Fathers and Husbands to their Families, was about *Forty-five Shillings*; and the average Sum expended for the Relief of each Individual, including Wives and Children, was about *Thirteen Shillings* each.

The Debtors thus discharged and relieved were of the Description of Manufacturers and Labourers, Seamen, Dealers, Chapman, and Persons of various Professions. About Two-thirds of them were Manufacturers and Labourers.

Of the Total Number of 12,590 Debtors, about 11,600 have been discharged and set at Liberty by the Society's paying a Composition to their Creditors, they themselves being utterly unable to pay any Thing; and as it is a Rule of the Society never to pay more than £. 10 for any one Prisoner, the Compositions paid and accepted of were generally very small; nevertheless, the Debtors so discharged had often been long kept in Prison by those Creditors, who at length accepted of such small Compositions, in Satisfaction of Debts for which whole Families had been for Years in a State of extreme Distress.

Of this the Secretary to the Society was prepared to have stated many Instances; but a few were thought sufficient, and as they came supported by the Enquiries and Proceedings of a respectable Body of Men, who reject all Applications from those Debtors to whom Fraud or even Extravagance is imputed, your Committee think it proper to report upon some Cases communicated by that Witness.—He stated, that he had been Six Years Secretary to that Society; and that it appeared from their Enquiries and Proceedings, that there were many Instances of Debtors long confined in Prison, who had no apparent Ability to pay any Part of their Debts, and were not charged with Fraud or Dishonesty. He mentioned

mentioned the following Case:—A young Man, about 25 Years of Age, who had a Wife and Five Children, was arrested and imprisoned for several different Sums, amounting to about £. 100.—He had an Employment in One of the Public Offices. He lost his Office in Consequence of his Imprisonment, and had been 15 Months in Gaol, totally deprived of Employment, and the Means of supporting his Family, when the Society found upon Enquiry that he was a fit Object of their Bounty, and obtained his Discharge for Six Pounds.—Another Person was discharged by the Society for Eight Guineas, after he had been kept Three Years in Gaol for a Debt of £. 200; and an old Man, who had a Wife and Eleven Children, was kept Five Years in Gaol by his Creditors, under the *Lord's Ad.* for a Debt of only £. 21.—These he mentioned as only some of many such Instances which came within his Observation and Knowledge.

It appears, that of the 700 Persons who are upon an Average Annually discharged from Prison by the Society, after due Enquiry with respect to their Character and Conduct, Fifty are discharged merely on Payment of the Gaol Fees, which they were unable to pay, and for which therefore they were detained in Prison.

Of the small Debts for which Persons, of the fair and honest Description, who are discharged and relieved by this Society, have been detained in Prison, it appears in general, that *Law Charges* and *Costs* make by far the greater Part. The Witnesses stated, that those Charges raised the Debt very often to Double, frequently to Treble, sometimes to Six Times, and sometimes to more than Ten Times the original Amount.

He supported this Part of his Evidence, by stating the following Instances:—The Society, after the usual Enquiries respecting Character, &c. discharged from Prison, or obtained the *Grants*, for the following Persons; viz. William Taylor, whose original Debt was £. 6. 6s. and the Costs £. 12. 4s. John Mackay, whose original Debt was £. 26, and Costs £. 30. William Coverley, whose original Debt was £. 12, and Costs £. 28. Andrew Chisholm, whose original Debt was a Guinea, and Costs £. 4. 9s. 10d. Thomas Smith, whose original Debt was £. 2. 6s. and Costs £. 6. 8s. William Stevens, whose original Debt was £. 4. and Costs £. 10. 18s. 10d. William Haicoes, whose original Debt was £. 1. 19s. and Costs £. 5. 17s. John Ayllon, whose original Debt was £. 2. 3s. 11d. and Costs £. 14. 10s. being Six Times the original Debt. William Woodfield, whose original Debt was Fourteen Shillings, and Costs £. 6. 16s. 10d. being Nine Times the original Debt. And Matthew Robinson,

Robinson, whose original Debt was £. 1. 19 s. and Costs £. 33; being *Fifteen Times the original Debt.*

One Instance shall be stated more particularly, to shew to what a ruinous Amount Costs are raised on the poorest Tribes, and how little the original Creditor is concerned in the Imprisonment of the Debtor in such Cases.—The Society having been lately petitioned by one *Goffin*, a Leather Dresser, Twenty-one Years of Age, imprisoned for a very small Debt in the Gaol of the City of *Worcester*, on a Writ of Process out of the *Court of Pleas* of that City, wrote a Letter, agreeably to the Course of their Proceeding, to the Creditor, desiring to be informed “ of the Manner “ in which the Debt was contracted; whether in the common and “ ordinary Course of Business, or by specious Pretences; and of “ such other Circumstances, as might enable the Society to judge of “ the Petitioner’s *true* Character, and of his Qualification to partake of the public Bounty from this Charity; and whether he had “ obtained the Groats.” The Creditor’s Answer was as follows:—
 “ Worcester, March 6th 1792. Gentlemen, I should have answered your’s before, but could not get at the Particulars of the “ Defendant’s Case. I some Time since employed Mr. Curwin (an “ Attorney) of this City, to recover the Sum of *Five Shillings* for “ Goods” (Second Hand Clothes) “ sold to the Defendant. On “ Mr. Curwin’s proceeding, Defendant engaged to pay a Weekly “ Sum until Debt and Costs were discharged—Defendant not performing his Agreement, Mr. Curwin proceeded to Judgment. “ I was paid my Debt of *Five Shillings*; and a joint Undertaking “ was entered into by Defendant and one *Vale* for the Payment of “ *Five Pounds*, being the Debt and Costs; and that Security “ taken in my Name. Part of that Money was levied on *Vale*’s “ Effects, and the remaining Sum of £. 3. 11 s. 4 d. is the Debt now “ due from Defendant.—There are no Groats allowed in the City “ Prison, where the Defendant is now confined.”

Your Committee report this Case in particular, as presenting a perfect Picture of almost every Evil which attends the common Course of Imprisonment for Small Debts.

The original Debt is Five Shillings—the Costs are as many Pounds—the Creditor receives Payment of his original Debt—the Cause becomes that of the Attorney, who proceeds in the Name of the Creditor, without apprising him of what he is about—Another poor Man is involved in the Misfortune—all his Effects are taken for Part—and the original Debtor for Five Shillings, a Manufacturer in the full Vigour of Youth, against whom no Charge of Fraud is made, lies in Prison for the Balance.

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This Case also shows, that there are Courts and Gaols, for recovering Small Debts, where the Benefit of the Lords Act is not admitted.

And here it may be proper to state an Account taken of the Sums recovered upon Verdicts in London and Middlesex, in the Court of Common Pleas, from Easter Term 1788 to Easter Term 1790, and the Costs upon these Verdicts, according to a Computation made by an Officer of the Court.

The Sums recovered were — — £. 56,272.
and the Costs computed at — — £. 17,950.

The enormous Disproportion of Debt and Costs, in Cases of Small Debts, appears from a Dissection of this Account. In Actions where the highest Sums recovered were £. 20, the Costs amounted to £. 9,250, and the whole Amount of the Sums recovered was only £. 1,948—and in Actions above £. 50, where the Sums recovered amounted to £. 52,262, the Costs were only £. 5,200.

This Account has probably under-rated the Costs, for the Estimate is only what they ought to be, and it is not likely that the actual Amount should be less.

Another Account was also made up, of Actions in which there had been no Trial, but only a Judgment on a Writ of Enquiry before the Sheriffs, and where the Computation of Expence may be made, with a great Degree of Certainty. This was taken from the Books in the Sheriff's Office for Eight Years, ending in 1789, by Mr. Birchell, the acting Under Sheriff, who was examined as a Witness. The total Number of such Actions was 7,415—The Number of those where the Sum recovered did not exceed £. 15, was 3,384. The Amount of the Sums recovered on those Actions was £. 25,476, and the Amount of Costs £. 44,908.

The Number of Actions where the Demand was for £. 100 and upwards, was 901. The Sums recovered amounted to £. 254,359, and the Costs only £. 10,812.

The Result is, that the Costs were not much above 4 per Cent. in the one Case, and above 150 per Cent. in the other. Of those Expences, Five-Sixths at least are disbursed by the Plaintiff, with very little Chance of recovering them again. He who must go to Gaol because he has not the Means of paying £. 15, is not likely to pay more than double that Sum in consequence of his Imprisonment.

When a Creditor arrests his Debtor, he is induced to go on with the Action, that he may have the Chance of making something by what he has already done; and which his Attorney informs him, very truly, is of no Effect without proceeding further.

The

The Costs of an Action have been averaged at £.40; and Seven or Eight hundred is the Number of Actions computed to be Annually tried before the Two Chief Justices of the King's Bench and Common Pleas, at Westminster Hall; the Number of Actions tried at other Places, and before other Judges, must of course be very considerable.

Your Committee are now to state some remarkable Facts, respecting the Operation of the Statute, commonly called the *Lords' Act*. The Import of that Act, as extended and enlarged by a subsequent Statute, has been stated in a former Part of this Report. Proceeding on the Fact, that Creditors do frequently detain their Debtors in Gaol, who have no Effects, or are ready to deliver up what they have; but holding that Creditors have a Right so to do, the Statute provides for that Right in the Creditor, and only creates a Right in the Debtor to demand the Means of Subsistence in Prison, if the Creditor insists on still detaining him after he has given up his Effects, and if it happens that the Debtor comes within the Limits of the Description in the Statute. The First Object of the Statute is, to enable indigent insolvent Debtors in Prison to obtain the Benefit of this Alternative, and with that View it directs a Course of Proceeding which has been already reported.—But the Expense of that necessary Course of Proceeding may amount to between *Two and Three Guineas*; and wherever it has been stated at a less Amount, the Necessity of employing an Attorney, and of serving Notices, Summonses, &c. appear to have been overlooked; but whatever may be the Sum necessary to defray that Expense, it is altogether out of the Reach of many Persons whom the Law meant to relieve. On this Point it was unnecessary to examine Witnesses: But the Proceedings of the Thatched House Society, authenticated by their Secretary, would be sufficient Evidence, were it a Matter on which there could be any Doubt.

Creditors
Business.

It is in Evidence, that that Society (proceeding not blindly and indiscriminately, but on due Enquiry) have found 150 Prisoners, on an Average, *Annually*, who were entitled to that Benefit, but were unable to sue for it. For those Prisoners that Society obtained *their Costs*; that is, the Four Pence a Day, which an Insolvent Debtor, who has done every Thing in his Power to satisfy his Creditor, is entitled to receive from him, if he insist, nevertheless, on still detaining him in Prison.

And thus it appears that 150 *Instances, in the Course of One Year*, occur in the Proceedings of this Society, of *Creditors who*
interpose

interpose when the Law is about to set Insolvent Debtors of a certain Description at Liberty, on their doing every Thing possible to satisfy their Creditors; who, notwithstanding, insist on still detaining them in Prison, without accusing them of Fraud or Dishonesty. It has already been stated, that One Insolvent Debtor of this Description, *after he had given up all his Effects*, was kept by his Creditor upwards of *Five Years* in Gaol (during which Period the Sum paid by the Creditor in the Allowance of Groats amounted to £. 30. 5s.) for a Debt of £. 21; though he was old, and had a Wife and Eleven Children. Another Instance appears in the Evidence, of a Woman, described by the Witness (who was Keeper of the Gaol) as a Person of decent Manners and good Conduct, who had been confined upwards of Two Years in Gaol for a Debt of £. 8, and received the Groats from her Creditor to an Amount almost equal to her Debt. She behaved so well that the Gaoler took Compassion upon her, solicited Charity for her, and having received £. 5 from the Reverend Dr. Markham, procured the rest from his Friends, and discharged the Debt.

Debtors's
Evidence.

Gravelly
Business.

But of the Operation of this leading Provision in the Act, the List given by the Secretary of the Thatched House Society, of Persons relieved whose original Debts were exceeded by the Costs, affords very remarkable Instances. Seven of the Persons there mentioned were kept by their Creditors in Prison, although they had given up their Effects under the Act; and though the Society found that they bore fair Characters, all that the Society could do was to obtain the Groats for them, which they were not able to do themselves. And accordingly, *Creditors whose original Debts were in some Instances under 20s. and others whose Debts were under 40s. thought proper to exercise the Right of keeping such Debtors in Gaol, at the Expence of paying 2s. 4d. per Week to every Debtor for his Subsistence.* In the Course of a very short Time the Groats exceeded the Debt.

The Statute provides, that imprisoned Debtors shall have this Allowance from such Creditors as insist on exercising the absolute Right which they hold, for the Purpose of supplying Prisoners with the Necessaries of Life while in Confinement, and unable to exert their Industry for the Support of themselves and their Families. But your Committee might state Evidence, were it necessary, to shew that the Allowance is altogether insufficient for that Purpose.

It appears that many of the Debtors who are thus confined in Prison by their Creditors under the *Lords Act* after all their Effects are delivered up, have Wives and large Families; and your Committee

Committee

mittee did not think it necessary to examine Witnesses to prove, that the Wives and Children of imprisoned Debtors in general must suffer extreme Misery.

As the Legislature have thought it necessary by this Act to draw a Line of Distinction according to the Amount of the Debt, and not according to any of the other Circumstances of the Case; establishing it as Law, that a Debtor imprisoned for £.200. is not entitled to the same Benefit or Relief as a Debtor who happens to be imprisoned for no more than £.200, though in all other Respects both Debtors are in precisely the same Circumstances. Many Cases appear in the Evidence which render this Distinction extremely remarkable. In the Returns from the King's Bench and Fleet Prisons 69 Debtors are returned as in Prison for Debts amounting each to somewhat more than £.200, and who have therefore no Right whatever to the Benefit of that Relief which the *Lords Act* affords to those Debtors whose Debts happen to be of that exact Amount, or under it. One of these unfortunate Debtors is imprisoned for £.204—another for £.202. 10s—another for £.202—another for £.201—and another for a Fraction above £.200. Such a Debtor may have a Wife and large Family, but he can have no Relief; while his Neighbour, who has the good Fortune to be imprisoned for a few Shillings less, and who has no Family dependent for their Subsistence on his Industry, obtains his Liberty, or the Statute Allowance of Four Pence a Day to support him in Prison.

It is One of the chief Objects of this Act of Parliament to induce Debtors in Prison for Small Debts not only to discover, but also to surrender their Effects for the general Benefit of those Creditors at whose Suit they happen to be in Execution, and to provide for the due and speedy Sale and Division of the Net Produce of the Insolvent's Effects among those Creditors: But the Secretary of London, and Under Sheriff of Middlesex, and the Secretary to the Society for the Relief of imprisoned Debtors, have positively said, that they never knew or heard of any One Instance where a Division of any such Insolvent Debtor's Effects actually took Place.

It is another Object of this Act of Parliament, to put it in the Power of Creditors to bring up their Insolvent Debtors in Prison, for Debts not exceeding in all £.200, and to compel them to discover and give up their Effects for the Benefit of those Creditors at whose Suit they are in Execution; and accordingly the Act very anxiously and copiously prescribes a Course of Proceeding and of Management for that Purpose. But the same Witnesses have said, that they never knew or heard of any One Instance where this compulsory Clause was put in Execution.

*Facts respecting the Situation and Conduct of Prisoners
for Debt, during their Confinement in Gaol.*

IN reporting upon the Situation and Conduct of Prisoners for Debt in public Gaols, it is not the Intention of your Committee to enter minutely into all the Particulars which might tend to shew that there are infinite Abuses, extreme Licentiousness, and extreme Misery, within the Walls of a Prison: They mean to confine their Report upon this Head to such Circumstances as are most intimately connected with the immediate Objects of Enquiry, and are not universally notorious.

The general Nature of the Rules of the King's Bench and Fleet Prisons, has been stated and described in the former Part of this Report. The Limits of the Rules of the King's Bench, which had been formerly enlarged, were lately, viz. In Easter Term, in the 30th Year of His present Majesty, considerably contracted; and it was ordered by the Court, " That from and after the First Day " of Trinity Term next, they should be comprized within the Bounds " following, exclusive of the Public Houses after mentioned; (that " is to say) From Great Cumber Court, in the Parish of Saint George " the Martyr, in the County of Surrey, along the North Side of " Dirty Lane and Melancholy Walk, to Blackfriars Road, and " along the Western Side of the said Road to the Obelisk, and " from thence along the South West Side of the London Road, " round the Direction Post in the Centre of the Road: near the " Public House known by the Sign of the Elephant and Castle; " from thence along the Eastern Side of Newington Causeway to " Great Cumber Court aforesaid: And it is also ordered, that the " New Gaol, Southwark, and the Highway, exclusive of the " Houses on each Side of it, leading from the King's Bench Pri- " son to the said New Gaol, shall be within and Part of the said " Rules: And it is lastly ordered, that all Taverns, Victualling " Houses, Alehouses, all Wine Vaults, and Houses or Places li- " censed to sell Gin or other Spirituous Liquors, shall be ex- " cluded and deemed no Part of the said Rules."

The Rules of the Fleet Prison, which are under the Direction and Controul of the Court of Common Pleas, have neither been enlarged nor contracted.

In the King's Bench Prison, of 570 Prisoners, 70 were within the Rules.

In the Fleet Prison, of 260 Prisoners, 80 were within the Rules. Ward's Fee
4s. 6d.

The Marshal of the King's Bench has a *discretionary* Fee for giving the Benefit of the Rules to a Prisoner; which appears, from the Evidence of the Clerk of the Papers, generally to be about Seven Guineas and a Half, if the Debt is £. 50, and Ten Guineas if £. 100. Prison's Dis-
cretion.

There is in like Manner a Fee paid to the Warden of the Fleet, *at his Discretion*, for the Rules of that Prison, which appears generally to be at the Rate of Five *per Cent.* for the first £. 100, and Two and a Half for every subsequent £. 100. Warden's Dis-
cretion.

There are also what are called *Day Rules*; that is (in the King's Bench Prison) Permission to the Prisoner to be absent from Eight in the Morning till Nine in the Evening, giving Security to the Marshal for his Return. The Fees, which are settled by the Court of King's Bench, are 4*s.* 2*d.* for the First Day, and the same for the last Day, and 3*s.* 2*d.* for every intermediate Day; but the Court of King's Bench has lately limited the Day Rules to Three in each Term.

The average Number of Prisoners who live in One Room, in the King's Bench Prison, is Three or Four. There are often many more; sometimes Seven and Eight in One Room, "*aloof*" (as the Witness expresses it) "*in a State of Putrefaction.*" If the Fellow Prisoners agree to it, a Man is permitted to have his Wife and Children all in the same Room with himself and his Fellow Prisoners; so that One Staircase often contains an incredible Number of Inhabitants. Wagon's Dis-
cretion.

It is a common Practice with poor Prisoners to take Possession of a Room, and then let it to other Prisoners; such Prisoners as have thus let their own Rooms for Subsistence, making Shift to sleep in the Staircases, or any other Place they can find.

There are in the King's Bench Prison 176 Rooms, for which the Marshal is entitled to receive One Shilling per Week of Rent for each; and 24 Rooms, called the *Common Side* of the Prison, for which Prisoners pay no Rent. There are Eight Rooms, called *State Rooms*, in which never more than One Prisoner is confined, who pays to the Marshal Half a Crown a Week for Rent. Temple's Dis-
cretion.

But the Cryer, or some other Officer of the Prison, expects and receives a Fee for procuring a Prisoner a Room; and Influences are given of his receiving a Guinea for that Service. A Guinea a Week is also frequently paid to a Prisoner for his Room; sometimes much more.

By

By an expensive Abuse of the Writ of *Habeas Corpus*, Prisoners frequently procure themselves to be removed from One Prison to another; and there have been Instances of Prisoners residing regularly in the King's Bench Prison during the Summer, and in the Fleet during the Winter.

In the Fleet Prison, when there are Two Prisoners to a Room, they pay 7*d.* each *per Week*, by Order of the Court of Common Pleas. Each Prisoner on the Master's Side, who is entitled to a Room in his own Right, pays to the Warden 1*s.* 6*d.* 8*d.* for Rent. The Payment of a Commitment Fee of *£.* 1. 6*s.* 8*d.* and having been a certain Time in Prison, give him the Right of having a Room; which he can either occupy, or let to another; so that a Guinea is frequently there also, paid for a Room, and four-times more.

It often happens that Prisoners have neither Beds nor Bedding. They have no Bedding allowed them.

Many of the Prisoners are stated to be in a Situation of extreme Poverty and Want; but, in some Prisons, the Prisoners on the Common Side (who swear that they are not worth *£.* 5) receive some Support by Means of charitable Donations. Prisoners are often, however, "in the greatest Distress imaginable," and Instances are stated of their dying for Want. The following Account is given by a Fellow Prisoner, examined as a Witness, of the Case of a poor Man from Somersetshire, who died in the King's Bench Prison, in 1784 or 1785—His Debt was about *£.* 35, occasioned it is said by the Expence of defending the Action on which he was imprisoned. At the Time of his Death he had been confined near a Twelvemonth, and had been the whole Winter on a damp Stone Floor, with nothing but a Bit of Hop Bagging to lie on. He was a poor Labouring Man, and while in Health he supported himself by blacking Shoes and cleaning Knives in the Prison; but after he was ill, he had not common Necessaries; neither Bed nor Bedstead to sleep on—his Illness was a Cold and Flux. By sleeping so long in his Clothes they were so worn out that there was a Hole through the Shoulder of the Coat, and nothing to cover his Flesh. The Witnesses got a Physician and Apothecary to attend him, but his Health was so impaired, that they could render him no Service. The Apothecary said, he died for Want. The same Witness mentioned the Case of the Reverend John Butler, of Great Sowdley in Staffordshire, who had been imprisoned in the Whole Eleven Years, and died about Two Years and an Half ago, in Want of the common Necessaries of Life; having nothing but a Bit of Bread and Treacle to live on. Similar Instances are mentioned by another Witness, and many such Cases might be stated.

A poor

A poor Prisoner, on his Examination in Prison, gave the following Account of his Situation. " I have been in Prison more than Eight Years — Debt £. 221 — I was a Silk Weaver, and lost £. 100 by " a Man taking Goods of me and absconding. My Plaintiff has been " often applied to to get me out, but she refused, saying, she would " keep me here all my Life, even if she was forced to support me. " I am sworn on the Common Side—have nothing to live on but " what I get from standing Oats in Five Days with the Begging " Box at the Door, the Profit of the Box, on an Average, amounts " to about Two Shillings a Week, I have nothing else to support me, " except now and then getting a Job at White-washing; but I have " not had a Job for Six Months before To-day—the Whole I have " to subsist on, is about 3 s. 6 d. a Week—I have a Wife and Four " Children—buried Two since I have been in Prison—One died of " a Decline, and the other in the Small Pox—the eldest is Ten " Years old, and a Girl; the other Three are Boys—Together I " and my Wife make about a Crown a Week, which is the Whole " I have to support myself and Family; and have not a Friend to " assist us—One Prisoner is chummed with me; and he, myself, " my Wife, and Children, all sleep in the same Room—the Room " is Thirteen Feet by Eleven—I have no Complaint to make " of my Treatment in Prison—am Forty-three Years old—our " Wife and Children have been with me ever since the first Six " Months of my Confinement—If the Chum is agreeable, no Ob- " jection is made by the Officers of the Prison for the Wife and " Children being with them. I sleep on a Mattress Three Feet " and an Half Wide, lying on the Ground, which is all I have " for myself, Wife, and Four Children. The Debt was con- " tracted for Silk, which I had for carrying on my Trade—I was " to have had Six Months Credit, but on Account of Losses I " was unable to discharge my Debt. I offered, if she would give " me my Discharge, to work out the Debt at £. 10 a Year, but " she would not come to any Agreement of the Sort. I paid her " Ten Guineas the Morning she arrested me, in her own House, " where she arrested me not Five Minutes after the Payment—I " cannot carry on my Trade here for Want of Room—A Gentle- " man of the Trade would have employed me, if I could have " found Room—his Name was Thornton. I worked for him " Four or Five Years; but when he came to see the Situation of " the Place, he could not employ me, as the Trade requires a Si- " tuation in which there is much Length and Light—Twelve " Feet of Light is the least in which I could do any Thing."

The Prisoners have no Right to any Supply of Coals or Fuel; nor is there any common Fire or Fire Place, in the most rigorous

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Scania.

Seasons. In the King's Bench and Fleet Prisons, Fires are kept in the Coffee Room, Tap Room, and another Drinking Room in the King's Bench, called the *Brace*; and on that Account the Prisoners are obliged, in cold Weather, to resort to some of those public Drinking Rooms.

The Keepers of Gaols have a Profit upon all Liquors sold in the Prison.

Your Committee had much to report upon the miserable Cases which occurred in Consequence of the sick Prisoners having no Medical Assistance allowed them, and there being no Regulations for removing and burying dead Bodies, which therefore generally lay some Time in the same Room where the Fellow Prisoners of the Deceased were living. But on the First Representation of this Matter by the Chairman to the Right honourable *Henry Dundas*, His Majesty's Secretary of State for the Home Department, an Official Enquiry took Place, and Provision was made for the Purpose of preventing such Miseries in future.

It is, nevertheless, proper to state that several Witnesses concur in ascribing the Progress of many of the Diseases with which the Prisoners are afflicted to the Want of proper Nourishment, Bedding, and Cloathing, and their being too much crowded together. One Witness states, that "having been induced from Humanity to " practise Physic, and finding the Complaints of the Prisoners to " proceed in general from Want of Food and Nourishment, he had " performed wonderful Cures in consequence of supplying them " with Food and Nourishment."—Another Witness, who practises in Gaol as a Surgeon, states, that "having been sent for to attend Two Children, he found them in a very dangerous Way, " without a Bed to lie on, and without any Kind of Nourishment " whatever."

There is always a great Number of Children in Gaol living with their Parents. In the Fleet Prison there were 200 Children within the Walls, at the Date of the Return. Most of them were there idling away their Time, and none of them were at School.—In the King's Bench the Children are stated to be "in general badly " clothed, and worse educated; and the Girls are generally debauched at an early Age."

In Addition to all the other Miseries of a Gaol, it appears, that innumerable Instances might be given of Idleness, Intemperance, and Extravagance. Of 570 Prisoners in the King's Bench, it appears, that about 470 are completely idle; not above 100 doing any Thing to support themselves and Families: and of 202 Prisoners in

*Wagon's De-
position.*

*Wagon's De-
position.*

Id.

*Mr. Fox's
motion for
leave.*

*Mr. Alderman's
Answer.*

in Newgate, 136 of whom had Wives and Children, only Nine worked at their Trades.

There are indeed Instances of much Industry among many of the Prisoners; but their Industry is generally employed in Smuggling, Usury, Lottery Insurances, and all other Modes of Gambling. Of this many recent and remarkable Examples could be stated.

The Average Expence of living in Gaol is stated to be at the Rate of Twelve Shillings a Week each, taking into the Account Persons who spend from a Guinea and a Half to Five Guineas a Week; but there are Prisoners who spend much more; for every Thing can be purchased in a Gaol except Quiet and Retirement. Vice and Intemperance are necessarily incident to such a Situation. Those who have Money without Honesty have there no Inducements to refrain from Extravagance, but every Temptation to the contrary.

Accordingly, your Committee have had it sufficiently established by Evidence, that many Insolvent Debtors in Prison either profusely dissipate, or avariciously hoard up, the Money which they ought to apply in Payment of their Debts.

The Marshal of the King's Bench Prison, and Keepers and other Officers of other Prisons, all concur in saying, that though there are many Prisoners who live in abject Misery, and are in Want of the common Necessaries of Life, yet there are others who live at a very great Expence, and according to Appearances are in a Situation to pay their Debts. One Instance is mentioned of a Prisoner who has been in the King's Bench since April 1787, and has built many Houses within the Rules. He is supposed to be sufficiently able to pay the Debts with which he is charged.

*James's witness
James Andrews.*

And a Witness, who from the Extent of his Practice in the Profession of the Law was in a Capacity to speak generally, from personal Knowledge and Observation, has stated, that he has known a great Number of Debtors, who have remained in Prison, and were possessed of Property sufficient to discharge their Debts. Of this he mentioned One remarkable Instance. A Man has been upwards of Nine Years in the Fleet Prison for a Debt of £. 10,000, although it was proved before his Commitment that he was worth £. 40,000; and it was then the general Opinion of the World that he was worth £. 100,000. He lives with extreme Parsimony; lets out the Room he is entitled to at 2 Guineas a Week, and hires One for his own Accommodation at a Shilling a Week. He makes the most of his Money; and for One Article saves £. 500 a Year as the Interest of the Debt for which he is imprisoned, and which his Creditor has no Means of obtaining.

Thomas Ward,

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A P P E N D I X.

A P P E N D I X, N^O I.

Mercurii, 18^a die Maii, 1791.

COMMITTEE to enquire into the Practice and Effects of Imprisonment for Debt, met.

WILLIAM JONES, Esquire, Marshal of the King's Bench,
examined.

Immediately on the Receipt of the Order of the Committee, I ordered Mr. Bryant, Clerk of the Papers of the King's Bench, to make out an Account, pursuant to the said Order. Mr. Bryant has given no Directions to make out the Order. Mr. Bryant does not reside at the Prison; and I never saw him in the Execution of his Office. I have brought an Extract from the Duplicates of the Books kept by the Clerk of the Papers, from which it appears there are about 570 Prisoners, about 30 of whom are Females. About 500 are within the Walls, and about 70 within the Rules. There are about 100 Rooms within the Prison for the Occupation of Prisoners. Forty-eight Prisoners have come in since the First Day of this present Easter Term. No Wives or Children are permitted to remain in the Prison, if it is possible to prevent them, after Half past Nine at Night, at the ringing of a Bell. Upon an Average, about Three or Four Prisoners lodge in a Room. There are many in Prison in indigent Circumstances, who have no Means of paying their Debts; and there are others who have. My Predecessors in Office have often been obliged to turn out Debtors who were entitled to their Discharge, but would not sue for it. There are some Prisoners in the Prison who live at a very great Expence.

Whether the Persons of the most insolvent Description in the Prison associate their Stock for the Purpose of living?

[Desires answering for the present.]

Whether the most insolvent Prisoners have Beds?

Most of them have; but there are some who have none, and are very much distressed.

Do

Do you think the Allowance from the Creditors by the Lords Aſſeſſes Geo. II. is ſufficient to maintain the Priſoners?

I think not.

What do you ſuppoſe would be a ſufficient Allowance?

[Answer deferred.]

In general the Priſoners pay Rent for their Rooms, but I cannot aſcertain at preſent the Amount or the Diſtinction of the Rents; thoſe who cannot pay Rent have other Rooms provided for them.

Some of the Priſoners within the Rules live in ſeparate Houſes, and from the Manner of their Appearance ſeem to be in a Situation capable of paying their Debt.—Thoſe Priſoners who are of Trades work in the Priſon, provided they have Money to procure Implements for carrying on their Trade.

Mr. RICHARD AKERMAN, Keeper of Newgate, examined.

There are about 199 Priſoners for Debt in Newgate, including Five from the Exchequer, and Two from the Court of Conſcience. They are in cloſe Confinement.

There is a Place called The Common Side of the Priſon, and a Part called The Maſter's Side; thoſe Priſoners who go on the Maſter's Side ſhould (but do not) pay a Weekly Rent of One Shilling, and if found Beds, *v. l.* 6*d.* per Week; but after the old Gaol was pulled down, and the new one built, the Common Side is not ſo much ſeparated from the Maſter's Side as it uſed to be, ſo that they can go from one Side to the other.—Thoſe who are able find themſelves in Beds. The Two Sides are divided into ſeparate Rooms or Wards. On the North Side of the Quadrangle, which is a Part of the Common Side, there are Six Wards; on the South Side there are Three Wards; and the Eaſt Side is divided into Two Wards, one for the Women, and the other for the Men. The Maſter's Side, which is the Weſt Side of the Quadrangle, is divided into Three Wards. The only Diſtinction between the Debtors on the Common Side and the Maſter's Side is, that thoſe who do not chuſe to partake of the Donations do not go to the Common Side; the poorer Debtors are confined on the Common Side, and thoſe of a better Condition on the Maſter's Side. There may be ſome who have no Beds, but they are very few. Many ſupport themſelves by work; and many, although able, will not work. Moſt of the Priſoners appear in a Situation of extreme Poverty. The Priſoners are allowed, by the City of London, One Pennyworth of Bread per Day, and the Sheriffs ſend Eight Score of Meat per Week to the Priſoners on the Common Side, which is divided amongst them; beſides this, there are Donations, of which I will bring an Account.

Are theſe Allowances, with the Addition of that by the Lords Aſſeſſes, ſufficient to maintain them?

It is, in Point of Suſtenance, but it would not be ſufficient to provide them with Beds and other Neceſſaries. Many of the Priſoners appear to be

he in a very miserable Condition; so ragged and so barely clothed as to be Objects of great Pity.

Is it the Practice of the Prison to mix with Debtors in Confinement Persons of the Description of those committed for Contempt of Court, or for Non-payment of Possibilities under the Revenue Laws?

It is; but this is the only Class of Persons that are so mixed with the Debtors.

Is there a sufficient Accommodation for the present Number of Prisoners?

They are very much crowded.

Withdrew.

Mr. JOHN EYLES, Warden of the Fleet,

[Delivers in the Return pursuant to the Order of the Committee.]

Of the 260 stated in the Return, about 70 are within the Rules, and the rest within the Walls of the Prison.

Mr. NICHOLAS NIXON, Clerk of the Papers of the Fleet,
examined.

Each Prisoner on the Master's Side, who is entitled to a Room in his own Right, pays to the Warden 15 *d.* per Week for the Room.—What entitles him to the Right is the Payment of the Commitment Fee, and his having been in Prison a certain Time. They succeed in Rotation. The Commitment Fee is £. 1. 6 *s.* 8 *d.* and 2 *s.* to the Turnkey if they go on the Master's Side. If they go on the Common Side, and are not sworn on the Begging Grate, they pay 15 *s.* 4 *d.*; but I am not sure whether they pay the 2 *s.* to the Turnkey. Being sworn on the Begging Grate entitles the Prisoner to the Donations of the Prison: In taking the Oath he swears he is not worth £. 5 in the World, and that he cannot subsist without the Benefit of the Charity. They pay no Fee at all.

Of the Prisoners confined in the Fleet there are about a Dozen that receive the Donations. Those on the Common Side who have been sworn on the Begging Grate are very few; all the rest are confined on the Master's Side, amounting to about 180. Those confined on the Common Side, that have not been sworn, are maintained by their Friends. There is a large Room, and in that Room are Partitions, which are called Cabbins, where they lie; they pay no Rent; they have no Bedding allowed them. All who are at present confined there have Bedding, and appear to be in a tolerable Situation, and occasionally act as Servants to those on the Master's Side. Those sworn on the Begging Grate are confined in the same Manner. On the Master's Side there are 114 Rooms. Some of the Prisoners have separate Rooms to themselves, but not by Authority. When a Prisoner succeeds to a Room he lets it to a new Prisoner, and he himself sleeps with

M some

some other Person. We do not allot more than Two to a Room; but if the Prison was so crowded as to require it, they are spacious enough to contain more than Two to a Room.

I should think, in general, the Prisoners within the Walls are not of sufficient Ability to discharge their Debts, but there may be some few Exceptions. When there are Two to a Room they pay 7½d. each, which is regulated by an Order of the Court of Common Pleas. There are some Prisoners who live in Prison in a State of Intemperance. Prisoners of this Description, I think, cannot spend less than One Guinea and a Half or Two Guineas a Week. Some give a Guinea a Week for their Room. Upon an Average I should think the Prisoners live at the Rate of 12s. a Week each. There is a Coffee Room and Tap Room in the Prison, which furnish Wine, Ale, and Porter. There is also a common Kitchen and a Cook for the Use of the Prison, and that Kitchen is found and supplied with Coals at the Expence of the Tapster. I include in that Expence £. 10 a Year, allowed by the Warden to the Tapster for Coals for the Use of the Kitchen. The Coffee House Keeper is the Tapster, and pays so the Warden so much upon Wine, Porter, and Amber; he pays 15s. per Butt on Porter and Amber, and 4s. and 4s. 6d. per Dozen on Wine. He makes a Profit of it himself afterwards. The Prisoners may be supplied elsewhere, if they chuse it; generally speaking, they are supplied from the Coffee House Keeper, who takes Care they should have as good Wine and Porter as they could get out of Doors, and of course he has the Preference. The Tapster draws on an Average about 16 Butts a Month. The Quantity of Wine on an Average does not exceed above Two Dozen a Week. No Spirituous Liquors are allowed to be sold in the Prison.—The Court of Common Pleas have not narrowed the Rules within my Memory.

The Prisoners within the Rules appear to live with some Degree of Decency, and in general by their own Industry, as they are chiefly Mechanics of some Sort or other. Those who have the Liberty of the Rules pay at the Rate of £. 5 per Cent. for the first £. 100, and 2½ for every subsequent £. 100; but there may be some within the Rules, of whom the Warden takes little or nothing, if it appears that they are industrious and disaffected Persons. These Payments are established by the Warden, and at his Discretion. All the Prisoners within the Walls of the Fleet have Beds, or the Use of them. We visit the Galleries at Times, to see that the Rooms are kept in a wholesome and clean State. I think the greatest Part of the Prisoners have Wives and Children depending on them.—I think there are or least 200 Children of Prisoners within the Walls. Their Situation, in general, appear to be not very miserable. If a Prisoner is not able to provide a Lodging without the Prison, his Family are lodged within the Prison. Most of the Children are idling their Time away within the Walls, more of this Description than are at School. A Scavenger is appointed by the Warden to keep the Prison clean, for which he is paid about 4s. a Week by the Warden, and it is his Duty to see the Prison is kept clean: The Prisoners are also voluntarily contributive towards his Salary.

Withdrew.

Your,

Juris, 19th die Maii, 1791.

COMMITTEE met, and proceed.

Mr. WILLIAM BRYANT, Clerk of the Papers of the
King's Bench Prison, examined.

I was appointed to that Office in 1783 or 1784, but was employed there before that Time. The Duty of the Office is to make Entries of Commitments and Discharges of all the Prisoners, to return all Habeas Corpus's directed to the Marshal; also to make Certificates of the Renders to ensure the Bail. I do not reside in the Prison. There are Three Houses adjoining to the Prison; one belonging to the Marshal, one to the Clerk of the Papers, and the other to the Deputy Marshal. I do the Office myself, not by Deputy. I do not know the Number of Debtors, without referring to my Books; there have been generally, on an Average, about 5 or 600. I have brought my Books with me. I have nothing to do with the internal Government of the Prisoners, the Marshal can give the best Information on that Subject. The Marshal has Fees on Commitment and on Discharges; he has a Profit on every Butt of Beer sold in the Prison; he is paid Room Rent also for about 200 Rooms. There are 12 State Rooms. He takes Fees upon Persons being allowed the Benefit of the Rules. There are also Day Rules: A Prisoner pays 4s. 2d. for the first Day, and the same for the last Day, and for every intermediate Day Rule 3s. 2d. The Court of King's Bench has lately limited the Day Rules to Three in each Term. The Liberty of the Day Rule is, for the Prisoner to be absent from Eight in the Morning till Nine in the Evening. He gives Security to the Marshal for his Return, who is responsible for his safe Custody. I am Clerk of the Day Rules: The Manner of distributing the Fees on Day Rules is, 1s. for the first and last Day to the Deputy Marshal; 1s. each Day to the Marshal; 8d. each Rule to the Clerk of the Rules, and 4d. to me as Clerk of the Papers, and the rest as Clerk of the Day Rules: The Fees on the Day Rules are fixed by the Court of King's Bench. The Marshal's Fee on Commitment, is 6s. 2d. There is no other legal Fee on Commitment, except what is paid at the Judge's Chambers, of which I have 1s. for the Commitment; and if it is a Render, I have 1s. for the first Action, and 6d. for every other. The Marshal's Fee on Discharge, is 7s. 4d. and 3s. 4d. to me, as Clerk of the Papers; the Deputy has a Fee of 4s.; and if there are more than One Action, I, as Clerk of the Papers, have 4d. for every other. On Discharge of a Crown Prisoner, the Marshal receives £. 1. 7s. These Fees are paid by all the Prisoners, except such as are discharged by the Lords Act. Every Prisoner pays the Fee on Commitment—There have been Instances where the extreme Poverty of the Prisoner has not enabled him to pay the Commitment Fee, and then he is sworn on the Common Side; but I think there are very few Instances where the Commitment Fees are not paid—The Marshal has

has also, upon every Rule to acknowledge a Prisoner in Custody, 10s. 6d. The Deputy Marshal does not reside at the King's Bench, and his House there is in Possession of the Marshal, who has the Profit of letting it to the Prisoners. I have heard that Mr. Bower, who is now in Prison, paid a very large Sum of Money for it; I believe 4 or £. 500. The Lodge Rooms, which are situated over the Lobby, and which were intended for the Turnkeys, as I apprehend, to be in and to take Care of the Place, are sold let to Prisoners by the Marshal.—They were let by the late Marshal; but don't know whether they are by the present. These Rooms were occupied by Mr. Christopher Addison, who, no Doubt, paid very handsomely for them. There are Four or Five of these Lodging Rooms; I have no Doubt Mr. Hill can inform the Committee of the Particulars. The Table of Fees was regulated about the Year 1754 or 1756, and no Alteration has been since made in them to my Knowledge: They are hung up in the Office of the Marshal, and any Prisoner may have Access to them. There is a Coffee House in the Prison, and the Marshal receives a Rent for it, also a Bake House, which, I believe, he receives Rent for. I have also heard, that the late Marshal had a Profit on Coals and Ware. I have heard the Marshal receives a Profit of a Guinea a Butt on all Beer sold within the Prison—I believe the Tapsiter pays Rent to the Marshal exclusive of the Guinea a Butt on the Beer he sells.

Have the Prisoners the Means of getting Beer any where else than of this Tapsiter?

Yes; but if they send out for it, it is considered as a great Offence against the Marshal, who has it in his Power to restrain the Prisoners from many Indulgences which are granted to them; and, no Doubt, has the Effect of preventing the Prisoners from buying Beer elsewhere. A Rule has been lately made by the King's Bench, that it should be considered as an Escape, if a Prisoner was seen in any Public House within the Rules; the Effect of which, in my Opinion, is, that it prevents the Prisoners from going to any other Place within the Rules than the Marshal's Tap. This Order is only intended to restrain them from going to Ale-houses; they are still at Liberty to send there for Beer: If they do send for Beer elsewhere, I have no Doubt it would be considered as a great Offence by the Marshal; and a Prisoner would not be looked so kind upon by the Officers of the Prison, as if he resorted to the Tap or Coffee House of the Prison. In general, the Prisoners get their Beer from the Tap; but some may get it from without. I should suppose they would prefer to get the Beer without the Prison; because, in the first Place, the Prisoner has an Idea they do not get so good Beer within the Prison; and heretofore there have been great Contentions about the Beer. I believe the Beer is sold at the same Price at the Tap as elsewhere. A Man of the Name of Bradbury, set up a Public House, called The Briennia, exactly opposite the Door of the Prison, so which there was a public Foot Road went across from the Prison to Blackfriars Road; the late Marshal and Bradbury had some Contention, and the Road was floped up; and I believe it was to prevent him from selling Beer to the Prisoners: This is about Two Years ago. I do not know the Cause of this Contention, but Mr. Middleton, a Surveyor of Lambeth, has the Correspondence on the

the Subject in his Hands. This Public House still exists, but the Road is blocked up. The Marshal has a Fee on the Rules; that Fee is entirely at the Discretion of the Marshal, and no Officer has any Thing to do with it. He generally takes about Seven Guineas and a Half if the Debt is £. 50; if £. 100 Ten Guineas. There has lately been great Murmurs among the Prisoners about paying again for the Rules, having paid the former Marshal. The present Marshal, on coming into Office, demanded Half of these Fees to be paid over again; and several of the Prisoners complained to me of it, as a great Hardship. Charles O'Hara, who is now a Prisoner, came to me on the Occasion, and can give a particular Account of it. I should apprehend, it is only usual to receive Fees when the Prisoner is first admitted to the Benefit of the Rules; this Fee is not regulated by the Court of King's Bench. I have heard that Lord Vane paid £. 100 for the Rules. The Prisoners at present confined are, in general, in very much Distress. There are about 100 Rooms in the Prison, for which Rent is paid to the Marshal. It appears, from an Account in 1787, that the Rent paid for each Room is 12. per Week; there are 12 State Rooms, which are better Sorts of Rooms, for which, it is supposed in the same Account, that the Rent paid for each was a Guinea a Week; but Mr. Walker, the late Marshal, said, it was no such Thing. He said, they were let at 22. 6 d. and 52. a Week each. I believe these Rooms are now inhabited. I have heard of Instances of Prisoners being so poor as not to be able to pay any Rent for the Rooms at all, but I don't know any Instance of Prisoners being turned out on that Account; I have heard of such Instances, but know of none of my own Knowledge. The Common Side Prisoners appear very ragged, and extremely indigent and poor. I believe the Prisoners in the King's Bench at present appear, in general, to be in a State of Insolvency. I am Seward for the charitable Donations; they are distributed to the Prisoners according to their Seniority; it is settled amongst themselves; I receive the Donations, and pay them, proportioning the Allowance to each, according to a Regulation made among themselves, which, I believe, has been confirmed by an Order of the Court of King's Bench. These Allowances are made only to the Prisoners confined on the Common Side. When they are in a State of extreme Distress I advance them a Part of these Donations, at my own Risk, and cannot be reimbursed till the Quarter becomes due, and a Receipt is signed by the Marshal, and under the Seal of the Court; the Mayor of the Common Side, the Clerk and Clerk Assistant (Three Prisoners chosen by the rest) sign it also. I know no particular Instances of Oppression towards Prisoners who have sent out of the Prison for Beer; but I collect my Opinion from Circumstances that I have formerly heard amongst them, that they had not been treated so kindly as if they had had every Thing within the Prison. The Marshal and the Clerk of the Papers never meet at any stated Times. The present Marshal has been appointed about Six Weeks, but I have never spoke to him or met him.

Withdrew. :

N

Mr.

Mr. JOHN SIMPSON, Keeper of Whitechapel Prison, continued.

I have not any Prisoner confined for Debt in Prison. I have been Keeper about Seven Years, during which Time I have had many Prisoners confined for Debt; the last I had in Prison for Debt was discharged last Saturday. It is called the Court of the Lord the King, of Record within the Manors of Stepney and Hackney, and confined to Debts amounting to not above £. 5. The Court does not appear by Arrests but by Summons, and no Prisoners are received but are charged in Execution. This Prison is in the Custody of a private Individual. I am also Sheriff's Officer to the Sheriff of Middlesex. The Prisoner charged in Execution is confined a Week for every Pound of the Debt and Costs to which he stands charged. The Costs are always 15s. in every Suit, but if the Amount of the Debt fined for is fractional, £s. as to complete with the 15s. the Sum into Pounds, the Prisoner is detained at the Rate of One Pound per Week. If the Costs remain at a Fraction beneath a Pound, they are not considered in the Term of Imprisonment. There is only One Ward in the Prison. Before Lord Beauchamp's Act there have been 100 confined at a Time. I have never had more than Three at a Time since I have been in Office. In general, Persons who have been sent to this Prison appear to have been in Circumstances unable to pay their Debts. They were generally Persons of the lowest Description, such as Coal-heavers, Ballast-gangers, and labouring Persons. During the Time they are confined they lost their Labour, and have no Subsistence allowed them. They are not allowed to beg from the Grate. They are in general supplied by their Friends, and if they have no Friends I have occasionally relieved them, and begged the Plaintiff to discharge them on Petition to the Thatched House, who on my sending a Letter have generally given me Directions to assist them such Relief. In case the Plaintiff has been obdurate, and would not accept the Composition, I have been directed by the Thatched House to pay the Sum allotted into the Hands of the Prisoner for his Subsistence. In general the Plaintiffs accept the Composition, but during the Time I have been in Office (Seven Years) there may have been Six or Seven Instances to the contrary. No Medicinal Assistance in case of Sickness, nor have I any Allowance for keeping the Gaol. No Allowance for Fuel in Winter. There is a Fee of 5s. on the Discharge of every Prisoner, regulated by the Court of Record, and hung up in the Court; no Table of that Fee is hung up in the Prison. It very frequently happens that they are not able to pay that Fee. I never detained One on that Account, but it is in my Power to do so till he pays. Before I came to this Prison it was in a ruinous Condition, the Prisoners locked up in it without any Person to look after them, and no Water for the Use of the Prisoners. The Clerk of the Court visited them occasionally. There was a Communication between his House and the Prison. The Prisoners had no Means of procuring any Water without the Assistance of their Friends, or by paying Persons for fetching it; that is not the Case now. I have repaired the Prison, and have got Water laid into it. When I came there I found a Woman of the Name of Cole, who had been confined there for Two Years under the Charter, which

Charter

Charter still subsists, and the Jurisdiction belonging to it. She was allowed her Groats. She appeared to be in a decent Situation, having good Friends. She was confined for a Debt of £. 8. She received as much almost as her whole Debt in Groats. The Payment of the Groats was paid at stated Days by a Man who was a Broker or Bookseller, who lived in the Parlour adjoining the Goal, and paid her through the Grace of the Prison. I do not believe she could live upon the Groats; I suppose she might live upon 5 s. a Week. I do not believe she could have procured Payments of her Debt. When I came to the Prison I found she had behaved very well. I thought her a Woman worthy of Notice, and I applied to Dr. Markham, the Parson of the Parish, and he gave me an Order for £. 5, and I collected the rest among my Friends, and discharged the Debt. When in Prison she worked at her Needle, and procured something towards her Subsistence. She has been discharged nearly Seven Years. There has been no other Prisoners there since her under that Charter.

Witnessed.

Mr. JEREMIAH BEAVIS, Keeper of the Borough
Compter, examined.

Prisoners are committed to this Goal from the Court of Conscience, charged in Execution. Prisoners are also committed charged by Meise Process from the Borough Court, and in Execution. It will contain 150 Prisoners. There are only Four now, Two charged from the Court of Conscience, and Two on Writ from the Borough Court, One of whom has been there upwards of Two Years. Before he came to me, he was confined Five Years at the Marshalsea. The Amount of the Debt is now upwards of £. 40. He is charged in Execution by his Brother; the original Debt was upwards of £. 15; it has accumulated to £. 20 by the Attornies Bills; they don't let him want; he is unable to pay his Debt; he has no Money but what they send him; his Brother sends him generally by a Porter, 10 s. 6 d. once in a Fortnight or Three Weeks; he is a Jew, and does no Work, and has no Means of procuring a Livelihood while he remains in Prison; he is about 40 Years of Age, a very healthy Man; he knows better than to apply for his Groats; the Reason he is confined in, his Family are afraid of being murdered by him; his general Behaviour in Prison is quiet and decent, but when he first gets his Money he is apt to drink, and be riotous in Consequence. No Allowance in this Prison but 1 d. per Day for each Prisoner, allowed by the City of London; and sometimes the Lord Mayor will send some Fuel. I receive to the Amount of 2 or 300 Prisoners every Year from the Court of Conscience; the highest Sum they are sent for is 40 Shillings, and any Sum under that Amount; all those that are in for above 20 Shillings remain there for 40 Days, and then the Debt is exonerated. There are 2 s. Fees on Discharge or Commitment. There is Prison Fee Debts under 20 s. 10 s. Day 20 Days, and then are discharged. In general, the Prisoners consist of young hearty Men, that are of some Mechanical Trade. A Fee of 7 s. is paid on the Discharge of a Prisoner from the Borough Court, a Table of which Fee is

is hung up publicly in the Prison. The Prison is a new Structure, the ancient one being destroyed in the Riots of 1780. Where one pays the Debt, so are discharged after staying out their Time.

Withdrew.

Martin, 24th May, 1791.

COMMITTEE proceed.

WILLIAM JONES, Esquire, the Marshal of the King's Bench,

[Delivers in written Answers to Questions submitted to him by the Committee.

Also delivers in an Account of Perquisites and Emoluments of the Marshal.]

Besides these Fees, I receive a Profit on the Tap, which depends chiefly upon my Agreement with the Brewers, but the Beer with which the Prison is supplied is always of the very best Sort, and sold to the Prisoners at the common Price of 3 $\frac{1}{2}$ d . per Pot; the Brewer allows me more Profit, because he is sure of being paid every Month; the Tapsiter accounts to me at the Rate of from 11 to 17 s . per Butt; Tapsiter pays me no Rent. I also receive a Profit of 4 s . a Dozen on Wine sold by the Cellhouse Keeper, who also pays me Two Guineas a Week Rent. Profit on Ale is, on an Average, from 8 to 10 s . per Barrel; on Amber, 4 s . on a Three-quarter Cask. On an Average, there are about 500 Butts of Porter sold in a Year, 250 Dozen of Wine, from 80 to 90 Three-quarter Casks of Amber, and from 40 to 50 Barrels of Ale. The Prisoners have the Liberty of getting these different Articles elsewhere. I provide the very best Articles I can procure.

[Delivers in an Account of the Annual Expence attending the Office of Marshal.]

In the Lodge Rooms, no Prisoner for Debt is confined at present, nor has been since I have been Marshal; but if a Prisoner for Debt could afford to pay for these Rooms, he might have them; no fixed Price for them. The Deputy Marshal has a House allotted for him within the Rules; he does not occupy it; not inhabited at present; I believe Mr. Walker, the late Marshal, some Time ago let it to Mr. Bowers; Mr. Bowers is now among the common Prisoners. Several of the Prisoners within the Rules carry on their Trades, by which Means many are the sooner enabled to pay their Debts.

[Delivers in printed Rules and Orders for the Government of the King's Bench.]

No Medical Assistance is provided for indigent Prisoners in case of Sickness; in case of Death, the Bodies of the poor Prisoners are left in Prison for a Day or Two, to give their Friends an Opportunity of coming to take them away

away for Burial; if that is not the Case, the other Prisoners generally subscribe towards the Funeral; if they do not subscribe, then the Marshal buries them at his own Expence: There is no Fund appropriated for the Burial of the poor Prisoners. I do not think in general a Prisoner can procure the Allowance of the Grates under 15s. provided the Creditor lives in London or Westminster.

[Delivers in Account of Tiplaves Fees of the Court of King's Bench.]
Withdrew.

MR. WILLIAM BRYANT,

[Delivers in the Return of the Number of Prisoners in the King's Bench, from 1781 to the present Time.]

The Number of Prisoners that surrendered under the Proclamation before the 18th of September 1780, was 691, and the Number that did not surrender, 155.

[Also delivers in, Account of Gifts and Donations.]

They are distributed among the poor Prisoners, who swear themselves, before a Magistrate or Judge not worth £.5; there are at present 12 who have taken this Oath, and received the Donation; One of these 12 has been confined ever since the 11th of April 1783, for £.221; he is about 50 Years old. Before a Prisoner is entitled to a whole Share, he must have been in Prison Three Months; Two Months entitles him to a Quarter Share.

[Delivers in Account of the Number of Deaths from 1781 to the present Time.]

Formerly I have heard Complaints from the Prisoners, that they were not supplied with good Beer, but have not heard any Complaints lately.

[Delivers in List of Fees belonging to his Office of Clerk of the Papers.]

These Fees are the same as I found when I came into Office. Those not added are not in the printed established Rules, delivered in by Mr. Jones, the Marshal.

There is no Restraint as to the Manner of Living of those Prisoners who have wherewith. It frequently happens, that Prisoners are removed backwards and forwards from one Prison to another, but not generally at the Defendant's own Instance, on Account of the Expence. In the Case of the Punishment of a Prisoner for Misbehaviour, there is no Record kept of the Offence.

The Coroner is apprized of every Death that happens in the Prison, to whom Official Fees are due; and I have heard of several Instances where, on Non-payment of Fees, the Coroner has refused a Warrant to bury the Corpse.

Withdrew.

O

Mr.

Mr. RICHARD AKERMAN.

[Delivers in Return of the Number of Prisoners in Newgate:
 Also, delivers in written Answers to Questions submitted to him by the
 Committee; also contains Number of Deaths:
 Also, delivers in Account of Fees:
 Also, Account of Debtors who have Families in Newgate.]

Mr. JOSEPH BIRCHELL.

[Delivers in Account of Middlesex Debtors confined in Newgate.]

Mr. EYI.ES, Warden of the Fleet.

[Delivers in List of Fees, &c. of Officers of the Fleet.]

Mr. NICHOLAS NIXON, Clerk of the Papers of the Fleet,
examined.

A Visit is made to the Prison Once a Week by the Chamberlain of the House, who collects the Warden's Rent. The Measurement of the Rooms vary; in general they are about 15 by 11½; on the Common Side there are 27 Cabins in Four large Rooms, and only 14 Prisoners to inhabit them; 12 of the Prisoners, who are sworn on the Grate, receive Donations to the Amount of £. 39. 19. 6. There are some Coals and other Articles sent at Christmas, but of those I have no Account. There are 180 Prisoners in the Prison, and 80 in the Rules, but 58 of these in the Rules appear superfluous. The Rent of the Rooms, when furnished, are 2 Guineas a Week, and 8s. 3d. unfurnished.

The Quantity of Porter consumed Annually, on an Average, is 558 Barrels, and 37 Barrels of Amber. These pay to the Warden 5s. per Barrel; 60 Barrels of Ale, which pays nothing; and 130 Dozen of Wine, which pay from 4s. to 4s. 6d. per Dozen. The Warden allows the Turnkey, who is a Prisoner, an additional Room for his own Use.

In the Year 1780, the First of the Rules consumed all the Books which could give an Account of those Debtors who were discharged in 1778 by the Insolvency Act, excepting One Book, and by that it appears, that there were 101 Prisoners discharged under that Act. In 1780, 233 Prisoners rendered before the 1st of September, and after that, and before the 31 of October 1781, 197 rendered; 25 did not render at all; and it appears that 144 were discharged by the Act. The Rules of the Prison extend nearly Half a Mile in Circumference, in the Form of a Quadrangle. The Wives of Prisoners confined amount to about 106, and 300 Children, according to the best Account I can procure: 18 Prisoners receive their

Prisoners

Prisoners died in Custody.

In 1783	—	—	6
1784	—	—	8
1785	—	—	15
1786	—	—	5
1787	—	—	8
1788	—	—	5
1789	—	—	9
1790	—	—	5
1791	—	—	2

On the Common Side of the Prison, the Size of the Rooms is 28 by 14: In One of these Rooms are Six Cabins, in the other Three, Seven each. The Cabins are Seven Feet high, and the Ceiling Nine Feet.

Withdrew.

Mr. EYLES, Warden of the Fleet, examined.

I have a House at the Fleet; but I never resided there since it was new built in 1780. I have no stated Times of coming to Town to visit the Prison. I never fail coming once a Week, and sometimes Twice a Week. I generally stay One Night in Town, and reside sometimes at my Sister's in Grafsa Street, and sometimes at the Hummams in Covent Garden. I constantly visit the Prison when I come to Town.

Withdrew.

Mr. JOHN ADDISON NEWMAN,

[Delivered in the Return of the Number of Prisoners confined for Debt in Ludgate Prison:

Also, delivered in List of Fees taken by the Keeper of the Prison:

Also, delivered in List of Fees taken by the Secondaries of London for Discharge of Prisoners in Ludgate Prison:

Also, delivered in List of Fees taken by the Clerk of the Papers of the Two Compters, for Discharge of Prisoners from Ludgate Prison:

Also, delivered in written Answers to Questions submitted to him by the Committee:

Also, delivered in List of Donations.]

Mr. JOHN KIRBY, Keeper of New Compter,

[Delivered in List of Fees:

Also, delivered in Answers to Questions submitted by the Committee.]

Mr.

Mr. HENRY WEST, Keeper of the Poultry Compter,

[Produced Table of Fees:

Also, produced Fees due to the Secondaries of London in Discharge of Prisoners from the Poultry Compter:

Also, delivered in Account of Number of Prisoners, what Families, how many allowed the Grates, and how many work at their Trade:

Also, delivered in Account of Donations.]

Mr. JAMES IVE S, Keeper of the County Gaol, Surrey,

[Delivered in Table of Fees of the said Gaol:

Also, Return of the Number of Prisoners.]

Mr. JOHN EVANS,

[Delivered in Account of the Fees of the Marshalsea Prison:

Also, delivered in List of Prisoners:

Account of Fees taken by the Officers of the Borough Compter, also delivered in.]

Jeudi, 26^e de Mai 1791.

COMMITTEE met at the King's Bench Prison, and proceed.

Mr. JONES delivered in an Account of different Persons who have the Liberty of the Rules.

[Received Cafes of several of the Prisoners.]

Mr. JOE MILLETT, a Prisoner confined in the King's Bench, called in, and examined.

I surrendered in August 1780—During my Confinement I have been an Eye Witness to Instances of Prisoners having died through Want; in particular one John Trivett, who came from Somersetshire, in Consequence of a Suit from Sir William Yew. The Debt was occasioned by the Expenses of the Law Suit, amounting to about £.35. He had been confined near a Twelvemonth, and had lain the whole Winter on a damp Stone Floor, with nothing but a Bit of Hop Bagging: He died in 1784, or 1785. He was a poor labouring Man, and while in Health he supported himself by blacking Shoes, and cleaning Knives in the Prison; but after he was ill he had not common Necessaries—neither Bed or Bedstead to sleep on. His Illness was a Cold and a Flux, by sleeping so long in his Cloaths, they were
60

It was out that there was a Hole through the Shoulder of the Coat, and nothing to cover his Flesh. When I heard of his Distress, I sent to Mr. Dorland, of Philpot Lane, who sent him 7s. 6d. to be laid out in Medicine for him. I also applied to the Deputy Marshal, who supplied him with a Bottle of Wine, and some Bread; but it was then too late, and he died in a few Days afterwards. I got a Physician and an Apothecary to attend him, but his Health was so far impaired they could render him no further Service. The Apothecary said he died through Want. A Coroner sat on his Body, as they do on every Prisoner who dies; their Verdict was, "Died by the Visitation of God." The Jury is generally picked out by the Persons in the Lobby (Officers under the Marshal) who chuse those they think will represent the Case in the most favourable Light. I have been in Prison Ten Years, and was never appointed on the Jury, and many others were never called upon. He was buried either at the Expence of the Marshal, or the Parish. He had a Churn with him during the whole Time of his Sickness, who continued in the Room with the Body till it was buried. The Bodies have been very often kept several Days, in Consequence of not having Friends who were able to bury them: In this Case the Bodies are removed to the Strong Room, in order to prevent their being a Nuisance. There is no Place allotted in the Prison to deposit the dead Bodies. There have been Instances where Three are chained together, that One has died, and the Two Survivors have been obliged to continue in the Room with the dead Body for Two or Three Days. It happened to me Once that my Chum died, and it was with very great Difficulty that I could get any other Place to sleep in. I know the Reverend John Buder, of Great Bowdley, in Staffordshire. He was confined for Debt in this Prison a considerable Time, and in another Prison before, in the Whole 11 Years. I believe he died about Two Years and a Half ago, in Want of the common Necessaries of Life, for several Days having nothing but a little Bread and Treacle to live on. Since I have been in Prison no Beer has been brought in but Once; it was then done in Defence of the Marshal, and it was soon put a Stop to. The Person who brought it in sold it, and set up a Sort of a Tap Room, for which Reason he was dispossessed of the Room, and carried before the Court of King's Bench.

Since 1736 the Number of Prisoners have diminished, owing to the Extension of the Leeds Act, it not being thought before to be any Relief to a Prisoner. Many Prisoners have been here from Five to Nine or Ten Years. Within the last Six Months many fresh Prisoners have come in; before that Period the general Average of their Confinement was from Two to Three Years. In the present State of Fulness of the Prison I think in warm Weather it is dangerous to the Health of the Prisoners: In many of the smallest Rooms there are Five or Six sleep together. I have known the Prison fuller than at present. There are some who are confined who have more than sufficient to pay their Debts, and there are some also in the greatest Distress imaginable. I think on an Average each Prisoner cannot spend less than 15s. per Week, including the Expence of maintaining their Families. I have heard of Instances of Prisoners spending four or Five Guineas a Week in Prison. I have heard that from One Guinea to Four and Five has been given for a Room. This is given to the other Prisoners

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who have a Right to the Room, and not to the Marshal. The Amount of my whole Debt was between 6 and £. 7,000. My Property was divided under a Commission of Bankruptcy. All the Creditors but One have proved and received their Dividend: One alone, whose original Debt only amounted to £. 80, would not accept of the Composition. When the last Dividend was made he offered to accept the Composition, and gave the Commissioners a Copy of my Discharge, which he promised to send the next Day. The Commissioners informed him they could not admit of his receiving his Dividend till I was first discharged, for which Reason the final Dividend was put off for Three Months longer. When he offered to receive the Dividend a Bill for the Relief of Insolvent Debtors was depending in Parliament (in 1784): It was thrown out in the House of Lords the very Day the final Dividend was made, and he then refused to accept a Dividend, thinking he should get more from my Friends. The Debt and Costs now amount to £. 130.

Withdrew.

[Return of the Number of Prisoners in the New Compter delivered in.
Also was delivered in the Return of Deaths in the said Compter.]

[Mr. Jones delivered in an Account of the different Persons who have the Liberty of the Rules of the King's Bench.

Also was delivered in Return of Prisoners in the Poultry Compter.

Also of Deaths in the said Compter.

Also was delivered in an Account of London Prisoners in Newgate.]

Feueris, 27^a die Maii, 1791.

COMMITTEE met at the King's Bench Prison, and proceed.

The Examination of Mr. MILLETT continued.

Israel King, a Liquor Merchant, at whose Suit I was originally confined, hearing that my Mother-in-Law had promised her Niece, and Three more Creditors, to make good the Deficiency after they had taken their Dividends under the Commission, refused, unless the same Assurance was given to him, to accept of the Composition as was agreed to by the other Creditors; he is dead, and I am now confined at the Suit of his Executors. The present Creditor called on me once since I have been in Prison (in 1784) and said he would consent to receive the Dividend, provided the Costs were paid him: I cannot pay the Costs, as I have nothing but what I get by the Chance of my Friends; my Confinement has put it out of my Power to pay my Debts; if I had been at Liberty, it might have been in my Power, as my Mother-in-Law would have put me into Business, to give me an Opportunity of making up my Deficiencies. I came into Prison immediately after it was re-built in 1781; I surrendered in August 1780, soon after the Prison was burnt, and remained out on a Certificate of Lord Mansfield till
it

it was re-built. The Room called The Brace, and the Room over it, when I first came into Prison, was allotted to Prisoners, and there were Five or Six in each Room. I am not certain whether it was Two Years or more after I came in, that the lower Room, which is now called The Brace, was used as a Tap Room, and I believe it was licensed by the Marshal's Authority; it was supposed, by a Rule which hangs up in the Coffee Room, that these Rooms were designed for the Use of the Sick. The Brace is now allotted to Two Prisoners, and the Person who keeps the Tap pays the other out. During the last Six Years it has been used as a Tap Room. I lived once in the same Stair Case, and it was a great Nuisance. People have been up drinking all Saturday Night, and we have found them there when we have been going to Chapel on Sunday Morning.

Do you know the Room, described in N^o 7 of the Rules hung up in the Coffee Room, on the Common Side, to be reserved and kept in good Repair for the Use and Benefit of the Prisoners, for Exercise and Conversation?

That Rule relates to the Old Prison, which was burnt down previous to my Confinement; there is no Room of that Description now, and has not since I have been here; it has been generally supposed that the Coffee Room was designed for that Purpose. No Rooms are now allotted for the Sick; it has always been supposed that the Brace, and the Room over it, was intended for that Purpose; these Rooms are about Twice the Size of the other Rooms; the Tapster who keeps this Room, after 11 o'Clock of a Club Night, demands 5d. for a Pot of Beer; he never sells it for less than 4d.; the Tap Room is shut up at 11 at Night, the other Room is kept open all Night. There have been Complaints among the Prisoners of the Beer being flat, and I apprehend they would be refused Leave from sending out for other Beer. There have been Instances of Beer being sent for out, and thrown down by some of the Men in the Lobby; in particular, one Mrs. Robinson, a Widow, sent out for a Pot of Beer, and when it was brought into the Lobby some of the People employed about the Prison threw it down, and would not suffer it to be brought in; they will not suffer a Drop to be brought in, if they can prevent it by any Means. I have heard many Complaints, that the Measure of the Beer has been short; I have found it so myself, but I seldom or ever drink a Pot of Beer in a Month or Two, and therefore never thought it worth while to complain.

On the 24th of February 1791, upon the scarcest Calculation I could make, there were within the Walls of the Prison 322 Prisoners, who had 362 Wives and 1,080 Children. I should suppose about One Third of those were constantly resident within the Walls. I have Four Children, whom I have never seen but Once since I have been here. I think it a very bad Place to bring Children to. I know One Instance of a Girl of 11 Years of Age being ravished here; and several Girls (Children of Prisoners) from 13 to 14 Years old, have been debauched here. I think the Children that remain within the Walls of the Prison are brought up in a State of Immorality and Debauchery; very few Children here have any Education. In consequence of Men being chained out they then get a Room where they can on the most reasonable Terms, and in consequence of their having no Bedding or Furniture, it is an Advantage the going into those Rooms. Lately Two or Three Prisoners, in consequence of their Illness, were turned out

of

of their Rooms where they slept, at a late Hour, when there was not Time to get a Bed elsewhere: One of them got to a Place under the Stair Case, N^o 16, where he died: Another that was turned out in that Manner staid in the Top Room all Night, and it was with great Difficulty he could get any Body to take him in afterwards, he was so stunk; the Prisoners subscribed towards paying for his Lodging. Captain Swenson can give the Committee further Information on this Matter. The Prison is not kept in a proper State of Cleanliness; since the Death of the late Mr. Hill it has not been kept so clean; he paid particular Attention to this. The Necessary Housets, for Want of being cleaned oftener, are often very offensive, and particularly so in hot Weather. The Prison is very well supplied with Water. The Rooms near the Stair Case have been white-washed at the Marshal's Expence since I have been in Prison; when it is done it is at the Prisoners Expence. Many of the Rooms occupied by the poorer Sort of Prisoners are in a very dirty Condition. Edward Keene, who died in the King's Bench on the 27th December 1747, of the Small Pox, his Wife at the same Time was supported at the Expence of the Parish, with her Five Children, at an Allowance of Three Shillings a Week only; therefore, it was not in her Power to procure proper Necessaries for him, nor yet Medical Assistance, otherwise her Husband, in all Probability, might not have died. He had not proper Assistance, otherwise I think his Life might have been saved. He was buried by Subscription.

Mr. JAMES JACKSON, a Prisoner in the King's Bench.

I have been six Four Years and Four Months. Am Surgeon and Man-Midwife. During the Time I have been in Prison I have attended most of the Prisoners who have wanted Medical Assistance, no Medical Assistance being allowed to the Prison, nor none to be got after Ten o'Clock at Night, even in Cases of Prostrates, and on Women being in Labour, who have been Prisoners, even if they could pay for it. After Ten at Night no Possibility of getting Medical Assistance, in any Case, from without the Prison. During my Confinement, I have attended a vast Number of distressed Prisoners and their Families, a vast Number of which have wanted Food and common Necessaries; frequently without Beds and other Cloathing. Many Cases I have frequently met with, that when the Patient has been in a State of Recovery, they frequently requested for the Want of Necessaries; and some, in my firm Opinion, I believe, have died for Want of them. It is my Opinion, that their Illnesses have been occasioned sometimes for Want of Food and Cloathing, and frequently from being too many in One Room. In the present State of the Prison, from the Number confined, I believe much to be apprehended on that Account. It might be remedied, by the Marshal turning out the Wives and Children of the Prisoners, who, in that Case, must be turned on the Parish for Want of other Lodgings. I have frequently known as many as Eight in One Room, all labouring under Fevers and other Maladies, Four of which now remain in the same Room. Some little Time ago, I attended

Two

Two Persons in One Room, both of which were in a very dangerous Situation; One was attended by Dr. Budd as well as myself; They both prayed earnestly to be removed from each other. I made Application to the Marshal's Deputy for that Purpose; who asked me, if I chose to take One of them myself in my own Room? I found myself much hurt at so unjust a Request, after being a Prisoner Four Years; and went away. One of them died Two Days afterwards; the other got out of Prison a Week after that, and died also. Soon after that, a Bankrupt was under a similar Situation: He was sent for to go to Manchester, to appear to his Commission; I gave a Certificate of the Impossibility of his being capable of bearing the Journey. He was ordered by the Marshal to quit the Prison, notwithstanding his dangerous Indisposition. I wrote to the Deputy Marshal, stating the Man's exact Situation: He persevered in removing of him, and was angry with me for writing, and the Man died the next Morning. There are Two or Three Prisoners appointed to be in a Room together, and in case of any Man being bad, or even dying, there is no other Accommodation for those who remain in the Room. I also made Application to the Deputy Marshal a Month ago, relating to a Gentleman then in a deep Decline, in order that the Marshal might enforce his Authority for the Servants to clean out the Gentleman's Room. He turned about in a very angry Manner, and asked me, if he was to clean it out? I told him "No, but his Servants might; for the Room was not fit for any Christian to go into, filled with all Kind of Filth and Vermin;"—of course I got no Redress, either for the Patient or myself; and the Patient died that Day Week. I made immediate Enquiry respecting his Situation of his Churn, who told me, he had wanted for a great Length of Time, though afterwards he told me he could get Money at any Time he chose to send for it. However, at the Time I was sent for to attend the Man, I found him in a State of Delirium, and every how incapable of getting any Thing for himself. I attended him One Week, and gave him every Sort of Medicine necessary, and also Nourishment; and when he died, the Coroner's Inquest sat on the Body, and I was examined and sworn as to the supposed Cause of his Death, which I gave, as my Opinion, was Want of Food and Care; and the Verdict was, "Died by the Visitation of God." About Two Months ago I was sent for by Mr. Skynner to attend Two Children, then in a very dangerous Way; I found them without a Bed to lie on, and without any Kind of Nourishment whatever. I reported this Case to my Fellow Prisoners, and gained temporary Relief for them; in this Situation they were for Eight Weeks: After that the Father was taken bad also, and in great Distress (Subscriptions are going on for him now) and confined Six Weeks to his Bed, without any Kind of Assistance but what he got from his poor Fellow Prisoners; he is perfectly free from Distress at this Time, but destitute of proper Cloathing and the common Food necessary for his Existence. I believe near 1,800 Persons are constantly resident within the Walls of the Prison. Mr. Barber's Wife was taken in Labour about Two Months ago, I was sent for, and delivered her, and who, from her impoverished State, and Want of Cloathing, kept her Bed for Six Weeks afterwards; immediately on her Recovery her Husband was taken bad also, and continued so for Six Weeks. A

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Subscription.

Subscription was made for the Relief of both, which gave them temporary Relief, but they are now in a State of as much Want as ever. I do not think the Prison is kept in a proper State of Cleanliness. The Prison is actually in a better State with regard to the Health of the Prisoners than I have known it for some Time, but I do not think it likely to continue so during the Summer. The Sum for which I am confined is £. 465, all of which, except £. 225, is superfluous. I have offered my Creditors £. 20 a Year till the Whole should be paid, at the Rate of Ten Shillings in the Pound, and to settle, as a Medical Man, in this Neighbourhood, where I might be enabled to maintain myself. I have received nothing since I have been here but what I have made by carrying on my Business within the Walls of the Prison. I was Surgeon to a Merchant Ship. I have heard many Complaints of short Measure of Beer at the Tap, and the bad Quality, so as to injure the Health of the Prisoners. I have frequently been sent for to Persons whose Illness has been evidently occasioned by the Badness of the Beer. A Girl went last Night for some Beer, and she told the Master of the Tap that the Measure must be full, or she must go out for it; to which he replied, "You may go out and be damned," and I have frequently seen him offer bad Halfpence to the Prisoners, and because they would not take them, he has taken the Beer in a Passion out of their Hands, and would not let them have it any more. The Children confined are in general very numerous, badly clothed, and worse educated. The Girls are in general debauched at an early Age.

Major MACDONALD examined.

Been confined since November 1787; the Amount of the Debts is £. 2396, some of which are not just, and I can prove not to be due, but am unable to afford the Expence of supporting a legal Enquiry into the Validity of them. Other Persons are indebted to me to an Amount which would enable me to discharge all my just Debts; but being detained here, and without Money, I am not in a Situation of Ability of prosecuting my own Claims. My Half Pay is stoppt, for what Reason I know not.

Mr. JOHN STANLEY examined.

Been in Prison more than Eight Years, Debt £. 221. I was a Silk Weaver, and lost £. 100 by a Man taking Goods of me, and absconding. A Mrs. Cline is my Plaintiff; she has been often applied to, to get me out, but she refused, saying, she would keep me here all my Life, even if she was forced to support me: I am sworn on the Common Side; have nothing to live on but what I get from begging Once in Five Days with the Begging Box at the Door; the Profit of the Box, on an Average, amounts to about Two Shillings a Week; I have nothing else to support me, except now and then getting a Job at White-washing, but I have not had a Job for Six Months before To-day; the Whole I have to subsist on is about 3s. 6d. a Week; I have a Wife, and Four Children; buried Two since I have

have been in Prison; One died of a Decline, and the other in the Small-Pox; the eldest is Ten Years old, and a Girl, the other Three are Boys; together, I and my Wife, make about a Crown a Week, which is the Whole I have to support myself and Family, and have not a Friend to assist us; One Prisoner is chained with me, and he, myself, my Wife, and Children, all sleep in the same Room; the Room is 13 Feet by 11; I have no Complaint to make of my Treatment in the Prison; am 43 Years old; my Wife and Children have been with me ever since the first Six Months of my Confinement; if the Chain is agreeable, no Objection is made by the Officers of the Prison for the Wife and Children being with them; I sleep on a Mattress, 3½ Feet wide, lying on the Ground, which is all I have for myself, Wife, and Four Children. The Debt was contracted for Silk, which I had for carrying on my Trade; I was to have Six Months Credit, but on Account of Losses, I was unable to discharge my Debt; I offered, if she would give me my Discharge, to work out the Debt at £. 10 a Year, but she would not come to any Agreement of the Sort; I paid her 10 Guineas the Morning she arrested me in her own House, where she arrested me not Five Minutes after the Payment; I can't carry on my Trade here for Want of Room; a Gentleman of the Trade would have employed me if I could have found Room; his Name was Thomson; I worked for him Four or Five Years; but when he came to see the Situation of the Place, he could not employ me, as the Trade in which I was employed requires a Situation in which there is much Length and Light; 12 Feet of Light is the least in which I could do any Thing.

Withdrew.

Sabbath, 28th de Maii, 1791.

COMMITTEE met, and proceed at the King's Bench Prison.

[The Deputy Marshal delivered in the Dimensions of the Prison.]

MR. OLIVER NUGENT examined.

I have been confined in Prison since October last. I have paid a Fee for a Term Bond, which is a Security, on a Prisoner's having a Day Rule, for his Return, and an Exemption from being followed by the Tipstaff. I was asked Three Guineas for the Term Bond, but I did not ultimately pay that Sum. I paid it in the first Instance; but the Officer who exacted it, hearing of my Intention to write a Letter to Lord Kenyon, acknowledged that he had no Authority to take so large a Sum, and begged of me not to persevere in the Complaint; and upon his promising never to practise a similar Extortion on any other Prisoner, and returning me a Guinea, I withdrew it. His Name was Ridgeway, a Tipstaff.

I have been Witness to a vast deal of Misery in the Prison. I have very frequently attended a Number of Prisoners who were in very great Distress,

Distress, with a great Number in a Room together, almost in a State of Putrefaction. I have found Seven Prisoners in a Room: There were that Number in a Room on my Stair Case. I have been induced from Humanity to practise Physic; and finding the Complaints of the Prisoners to proceed in general from Want of Food and Nourishment, I have performed wonderful Cures in consequence of supplying them with Food and Nourishment. I do not think the Prison is kept in a proper State of Cleanliness; the Stair Cases are very dirty, and upon my desiring the Scavenger to clean them, he said it was not his Duty—I believe a great deal of Immorality prevails in the Prison. The Number of Wives and Children contributes greatly to the Inconvenience. The only Way in which Children can assist their Parents is when they are of proper Age to go with Messages; the being brought up within the Prison is very prejudicial to their Morals. No Means of Employment or of Education. Many Persons who have Children have no Means of supporting them out of Doors, nor of providing them with Lodgings. If they were sent to their Parishes, where their Parents would not have to maintain them, I think it would be better in every Respect. There are 16 Rooms on my Stair Case, which are of the common Size, and the Number of Persons, including Wives and Children of Prisoners, belonging to that Stair Case, amounted to about 140. It might appear to any Person coming for the first Time into the Prison that there were a Number of Persons in an easy Situation, from the Mode in which they appear to be living, and able, if willing, to discharge their Debts; but this appears to me to arise from an Effect which I have observed to be consequent on Imprisonment, that a Prisoner when first confined spends what little Money he may have in Games and other Amusement to pass the Time, and to divert the Thoughts arising on his first Imprisonment, but is very soon reduced by this very Circumstance to a State of Want, and added to the Stock of miserable Objects, who have scarce any Means of supporting themselves. The upper Rooms of the Prison smoke so much, that even in the coldest Weather the Fires have been obliged to be extinguished.

It is the common Practice of fixing one of the Underlings of the Bench to chain Men expeditiously, and the Prisoner is accommodated according to the Fee he gives. I paid a Guinea for several Weeks after my Arrival in Prison, to a Fellow Prisoner for a Room, and it is not unusual for Rooms to be let at that Rate. I represented it to the Deputy Marshal as a great Hardship, and he accommodated me with the best Room that was vacant. I paid the Cryer a Fee of a Guinea for the Room when I got it.

The Quality of the Beer in the late Marshal's Time was extremely bad, but the present Marshal has changed the Brewer, and the Quality of the Beer is much mended.

Withdrew.

The Reverend JOHN FRESSELICQUE examined.

I have been confined in Prison 13 Months. On the 13th of May 1790, I was seized in my Lodgings, by Eight Persons breaking into my Bed Chamber without any previous Notice. The Bailiff's Servant executed the Warrant

Warrant. The Plaintiff's Attorney attended in Person. The Bailiff wished me to go to his House. I told him I had received so much ill Treatment that I refused it, and was carried to the County Gaol, and brought here by Habeas.

The Situation of Four Fifths of the Prisoners confined in the King's Bench is very distressed. I look on it the other Proportion is supported entirely by their Friends, and there are some few who may have Property, but who I believe reserve that Property merely because they cannot make equal Terms with their Creditors. The Wives and Families, in general, of the Prisoners within the Prison are in a distressed Situation. The Children are in general without Education. The Number of Children are a very great Inconvenience. Their Parents have no Means of supporting them without the Prison, but by Means of their Parish, which would be better for both the Parents and Children than their remaining confined in the Prison, as they can be of very little Assistance to their Parents where they are. The Scavengers do not keep the Stair Cases sufficiently clean. The Cryer makes no Demand, but it is understood he expects Half a Guinea, and has sometimes received a Guinea, either to procure a Prisoner a good Room, or to prevent his having a Claim.

Withdrew.

Mrs. LOUISA SMITH examined—Is about 36 Years old, been in Prison 10 Years in November, her Debt is £. 375.—I have other Claims, which would satisfy the Debt if I could recover them. Am at present in the greatest Distress.

Withdrew.

Lancr, 30th de Mai, 1791.

COMMITTEE met at the House of Commons, and adjourned to the King's Bench Prison.

Committee met at the King's Bench Prison.

Mr. NUGENT, a Prisoner, again examined.—There are Six Pumps in the Prison, Three of which are occasionally defective, in consequence of their being improperly laid down when they were last repaired, communicating now, on high Tides, and after heavy Rains, with the Common Sewers.

Withdrew.

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Mr.

Mr. JOHN FRENCH, a Prisoner in the King's Bench, examined.

I applied to Mr. Young, who is under the Deputy Marshal, for Permission to bring in Beer, and was refused, telling me that it would attack the Marshal's Profit.—About Three Years ago a Market Jury defected a Man of the Name of Smith selling Meat short of Weight.—I made Application (with a Requisition signed by many of the Prisoners) to Mr. Hill to discontinue the Man, who at first forbade him, but Three or Four Days afterwards he was permitted again to exercise his Trade, and continued so till he died.

Mitchell, the present Baker, has, to my Knowledge, been detected selling Bread short of Weight.

Withdraw.

Mr. JOHN HILL examined.

I officiate as Deputy Marshal; have been employed Thirteen Years in the Prison under my Father, but have been Deputy Marshal only Three Years.—It is Part of my Employment to chum the Prisoners; on their Application to me I chum them in Rooms the most suitable to their Rank and Situation; no Fees are due to me on that Account, nor Gratuity received by me; the Billets are delivered under my Signature, and conveyed by the Crier to the Prisoner; the Person conveying such Billet is not entitled to any Fee, but I have heard that the Prisoners frequently give him something; the Crier is appointed by the Marshal, and receives no Salary, and nothing but what he has given him by Persons coming to visit the Prison, or by the Prisoners themselves: There have been Instances of Complaints against the Crier, and he has been obliged to refund the Money, but no such Complaints have been made to me since I have been in my present Situation.—Persons frequently remain in the Prison some Time without being chummed, but that has been their own Fault for not applying.—There are no Rules or Usage for regulating Succession to Rooms.—It is the Duty of the Marshal and myself to see that there are no Improprieties of any Kind committed in the Prison, and to see that there are not too many chummed in one Room; but it is not in our Power to restrain as many as chuse sleeping in a Room together.—The Prison Doors are shut at Ten o'Clock at Night, and after that Time none of the Officers (i. e. Marshal, Deputy Marshal, Crier, or Turnkeys) have Access to the Prison, nor does any Officer sleep within the Prison.—Three Watchmen go round the Inside Walls of the Prison all Night. Our Orders are, that the Tap should be shut up at 11 at Night. We have had no Complaint of those Orders not having been complied with. I cannot say that they are regularly obeyed. The same Orders are not in Force with regard to the Brace; but as they get all their Porter from the Tap, they can have no Inducement of keeping the Brace open after 11 at Night. It is my Duty to see the Scavengers perform their Duty. The Watchmen make Report of any Irregularities committed in the

the Night, and the Circumstances of the Case are examined into in the Morning, and the Persons offending have been sometimes reprimanded, and at other Times punished as the Case may require.

There are no Regulations respecting the Removal or Interment of the Bodies of those who chance to die in Prison.

Withdrew.

WILLIAM MOSS, a Prisoner, examined.

There are Three chummed in the Room in which I lodge. There were Six slept there till last Night, and had done so for about a Fortnight past. Bothmore, who is One of the Persons that pays for sleeping in the Room with us, is not billeted in any Room. I was not chummed in any Room for the first Six Weeks upon my being in Prison, because I had no Money to pay my Fees. I applied to Eaglefield to be chummed, and the Answer he gave me was, "You must pay your Chumage." The whole Demand was 10s. 2d. I said I had no Money, so I went to Mr. Lunt, whom I knew before, and slept with him. This Day Three Weeks I paid the 10s. 2d. and directly received a Chumage Ticket. I paid it to the same Person who first demanded it, and received my Ticket from him.

Withdrew.

Mercuri, 1^o de Juin 1791.

COMMITTEE met, and proceed.

JAMES TEMPLER, Esquire, examined.

Mr. BARLOW and I visit the King's Bench Prison Twice a Year, under the Direction of an Act of Parliament of the 2d of Geo. II. It is not expected by the Court that we should make a Return, unless some particular Instances of Abuse have occurred. We visited the Prison last Michaelmas Term, and visit it again To-morrow. When we last visited the Prison we heard of no Complaints against the Officers of the Prison. I never found that any improper Fees were taken by the Officers. On Complaints of the Prisoners nothing of sufficient Consequence has happened to occasion a Record to be kept by the Visitors. The Visitors do not go into the Rooms, unless at the Desire of the Prisoners. Whenever the Marshal desires it, the Visitors go to the Prison, and we also go whenever we receive any Complaints from the Prisoners, if such Complaints are worthy to be taken Notice of. It is a common Practice for the Prisoners to take Possession of a Room, and then let it to other Prisoners, such Prisoners making Shift to sleep on the Stair Cases, or in any other Place they can find. I have often known Persons in Prison, whose Actions are superstitious, and who, on Application to the Court of King's Bench by the Marshal, have

been turned out. There are many of that Description in Prison now. Some of these are poor, and cannot pay the Expence of the Superfine; others are able, but chuse to remain in Prison for their own Conveniences. The Visitors do not enquire into the exact Number of Prisoners that are lodged in a Room, conceiving the Prisoners manage that Matter among themselves. The Rooms were white-washed at the first building of the Prison, but they have not in general been white-washed since. I have received no Complaints of the Want of white-washing, therefore I have given no Directions to the Marshal respecting that Matter. The Visitors have given Directions from Time to Time to the Officers under the Marshal to see that the Rooms are kept clean by the Prisoners, and that the Parade is kept clean, and in proper Order for the Health and Accommodation of the Prisoners. There is no Place in the Prison fit apart for the Deposit of dead Bodies, so that the Body is of Necessity obliged to remain after the Coroner's Inquest in the Room where the Prisoner died until Interment, or till taken away by the Friends of the deceased, or buried by the Marshal. There were no Rooms built on the re-building of the Prison for the Prisoners to take Exercise or converse in, and where a Fire might be kept as the Rigour of Seasons might require, nor are there Two Rooms reserved for such Prisoners as shall be afflicted with any Disease or other Infirmary requiring such Accommodation. There are Two Rooms in the Prison that might be applied to the above Purposes if thought necessary; at present it appears to me that these Rooms are occupied by Prisoners. I do not know that there is any other Place in the Prison besides the Tap where Liquor is sold. I have heard of a Complaint of that Sort some Time ago, and the Man who sold the Liquor was ordered to be turned out of his Room. Such a Practice as this I think a violent Abuse, and ought to be remedied. If such a Practice is permitted by the Marshal he subjects himself to the Censure of the Court, it being as I conceive an Abuse of Office. The Keeper of the Tap ought to have Two Rooms besides the Tap Room, which I conceive would be sufficient; so I think with respect to the Person who keeps the Coffee Room. I think if they were found to have more Rooms than necessary, on proper Application to the Court the Matter would be remedied. On my own Experience on former Occasions, I am of Opinion that if I were a Visitor to report to the Court of King's Bench the Necessity of erecting an Infirmary, or a Place fit for the Reception of dead Bodies, that the Court would direct an Application to the Board of Works that such Buildings should be erected, and that they would, as they heretofore have done, direct such Buildings to be erected.

It is my Opinion that every Prisoner immediately on going into Prison has a Right to the Possession of a Room, or a Part of one if any shall be found capable of receiving him, although at that Time he should be unable to pay any Fees. I conceive all Fees, Perquisites, and Gratuities, demanded by Turnkeys and others in the Service of the Marshal (not mentioned in the Table of Fees) to be an Abuse, and ought to be remedied. The Marshal regulates the Donations, which are appropriated according to Rules established among the Prisoners on the Common Side, and which Rules have always been found to be salutary, and to answer the desired Effect.

Withdrew.

Finis.

Fourth, 3^d Jan^y 1791.

COMMITTEE met, and proceed.

JAMES TEMPLER, Esquire, delivers in his written Testimony on the State of the King's Bench Prison.

A P P E N D I X, N^o 2.

ANSWERS given by William Jones, Marshal of the Marshalsea of the King's Bench, to the several Questions put to him by a Committee of the House of Commons, on Tuesday the 17th May 1791.

THERE are about 570 Prisoners, about 30 of whom are Females; about 500 are within the Walls, and about 70 within the Rules.— There have been 48 committed since the First Day of this present Easter Term.

A Man goes round the Prison every Night with a Bell, giving Notice to the Wives, Children, and Visitors of the Prisoners, to withdraw themselves from the Prison.

There are many in the Prison in indigent Circumstances, who have no Means of paying their Debts, and there are others who I believe have.

Former Marshals have been obliged to turn out Debtors who were entitled to their Discharge, but would not sue for it.

There are some Prisoners in the Prison who live at a very great Expence.

I do not think any of the Prisoners in the Prison affix their Stock for the Purpose of Living.

Some of the Prisoners within the Rules live in separate Houses, and from the Manner of their living seem to be in a Situation capable of paying their Debts.

QUESTIONS.

ANSWERS.

Whether the most Insolvent Prisoners have Beds? —	}	Most of them have, but there are some who have none, and are very much distressed.
	8	Do

Do you think the Allowance }
from the Creditor by the Lords } I think not.
Act, 32 Geo. II. is sufficient to }
maintain the Prisoners? —

What do you suppose would } I think that 8 d. per Day.
be a sufficient Allowance? — }

How many Rooms there are } There are about 176 Rooms, for which
in the Prison, and their Rents? } the Marshal is entitled to receive 1 s. per
Week, Rent each; there are 24 Rooms,
commonly called the Common Side
of the Prison, which are generally occupied
by the poorer Class, called Common Side
Prisoners, from whom the Marshal re-
ceives no Rent, and great Part of the
Rent to which the Marshal is entitled, is
never received.

How many have Rooms for } There are about 200 Rooms for the
which they pay Rent? } Occupation of Prisoners, on which Pri-
soners, as they are committed to the Pri-
son, are billeted. When there are more
Prisoners than One to each Room, then
in Rotation Two Prisoners are billeted on
each Room; and when there are more than
Two to each Room, then in Rotation Three
Prisoners are billeted on each Room; if
the Number of Prisoners in the Prison
will admit of there being but One Prisoner
in a Room, then he pays 1 s. per Week
Rent; but if not, so many as there are
in the Room pay equal Shares, making in
the Whole 1 s. per Week. There being
at present 300 Prisoners within the Prison,
and only 200 Rooms, there are Two Pri-
soners billeted on every Room, and on
many Rooms Three. The Marshal has a
Power of removing Prisoners to the Com-
mon Side of the Prison for Non-payment
of Rent; but which is scarce ever done, un-
less such Non-payment arises from Inclina-
tion, and not Poverty of the Prisoner.
There are Eight Rooms in the Prison
called State Rooms, in which never more
than One Prisoner is put, who pays Half
a Crown per Week Rent.

What is the Expence of a } Dependent on the Person employed to
Prisoner's procuring his Dis- } sue for it; suppose it to be but a few Shil-
charge under the Insolvent } lings.
Act?

How

How many are there in the Prison that are in Receipt of their Groats? } Upwards of Sixty.

In any State of the Fulness of the Prison, can a Prisoner have a separate Room by paying for it? } Not by Consent of the Marshal, unless the State of the Prison does not require Two to be billeted on a Room; but sometimes a poorer Prisoner, for a pecuniary Compensation, supposes Six Pence a Day, made to him by the other Prisoner who is billeted with him, will remain from the Room where he is billeted; in such Case the Prisoner making such Compensation enjoys the Room to himself, and the Compensation so made to the other materially helps to support him; but there is a Rule made by the Court forbidding this Practice.

Whether it does not frequently happen, that Persons are removed by Habeas Corpus from the Bench to the Fleet? } Frequently.

How much do the Donations amount to, and how are they disposed of among the Prisoners? } Must be answered by Mr. Bryant.

Whether there is not a Sum of Money paid, called High Bar Money, and how is it disposed of among the Prisoners? } No.

Rule respecting the Rules, and to state the Regulations to the Committee? } Vide the printed Rule of Court.

What Number of the Prisoners have Families? } About 140.

How many do any Thing towards supporting themselves, by working at their Trades? } About 100.

How many surrendered upon the Act passed in the Year 1780? } To be answered by Mr. Bryant.

What Number of Deaths have happened in each Year since the Year 1780? } To be answered by Mr. Bryant.

Mr.

Mr. Joseph Harkness	—	Has been a Prisoner since the 4 th Day of April 1787, till lately charged with Debts to the Amount of £. 400; is at present charged with about £. 160; has been the major Part of his Imprisonment within the Rules, has built many Houses within the Rules, and is supposed to be able to pay the Debts with which he is now charged.
Mr. Perkins	—	Keeps the Tap within the Prison.
Mr. Jordan	—	Keeps the Coffee House within the Prison; has One Room allotted to him, which he has decently furnished, with which the gentler Prisoners are accommodated on their first coming to the Prison without their Bedding, &c. they paying him for such Accommodation, as may be agreed between them.

Printed Rule of Court.

E A S T E R T E R M,

30 GEORGE III.

KING'S BENCH
PRISON.

IT IS ORDERED by the Court, That, from and after the First Day of Trinity Term next, the Rule made on Friday next after the Octave of the Purification of the Blessed Virgin Mary, in the Sixth Year of the Reign of King George the First, and all other Rules for establishing the Rules of the KING'S BENCH PRISON, shall be and the same are hereby repealed. AND IT IS FURTHER ORDERED, That from and after the said First Day of Trinity Term next, the Rules of the KING'S BENCH PRISON shall be comprised within the Bounds following, exclusive of the Public Houses hereinafter mentioned: That is to say, from Great Cumber Court, in the Parish of Saint George the Martyr, in the County of Surrey, along the North Side of Dirty Lane, and Melancholy Walk, to Black Friars Road, and along the Western Side of the said Road to the Obelisk, and from thence along the South West Side of the London Road, round the Direction Post in the Centre of the Road, near the Public House known by the Sign of the Elephant and Castle, and from thence along the Eastern Side of Newington Causeway, to Great Cumber Court aforesaid. AND IT IS ALSO ORDERED, That the New Goal, Southwark, and the Highway, exclusive of the Houses on each Side of it, leading from the KING'S BENCH PRISON to the said New Goal, shall be within and Part of the said Rules. AND IT IS LASTLY ORDERED, That all Taverns, Visiting Houses, Ale Houses, all Wine Vaults, and Houses or Places licensed to sell Gin, or other

other Spirituous Liquors, shall be excluded out of and deemed no Part of the said Rules.

BY THE COURT.

E A S T E R T E R M,

30 GEORGE III.

o/s BESCH
PARSON.

IT IS ORDERED, That, from and after the First Day of Trinity Term next, no Prisoner in the KING'S BESCH PARSON, or within the Rules thereof, shall have, or be entitled to have, Day Rules, above Three Days in each Term. AND IT IS FURTHER ORDERED, That every such Prisoner having a Day Rule, shall return within the Walls or Rules of the said Prison, at or before Nine o'Clock in the Evening of the Day for which such Rule shall be granted.

BY THE COURT.

A P P E N D I X, N^o 3.

M^R. AKERMAN's Answers to Questions put to him by the Committee.

N E W G A T E.

- Q. 1. How many Rooms are in the Prison, and their Rents?
A. Eighteen Rooms. — The Rents are returned in the Table of Fees.
- Q. 2. How many have Rooms for which they pay Rent?
A. None.
- Q. 3. How many have Rooms for which they pay no Rent?
A. No Rent is paid or demanded.
- Q. 4. How are those accommodated who are not able to pay Rents?
A. In the Wards, and have the Gaol Allowance.
- Q. 5. What is the Expence of a Prisoner procuring his Discharge under the Insolvent Act?
A. Three Advertisements in the Papers, and One Shilling for carrying up.
- Q. 6. How many are there in the Prison in Receipt of their Groats?
A. Twenty-six.

T

Q. 7.

- Q. 7. In any State of the Fulness of the Prison can a Prisoner have a Room by paying for it.
 A. No Rooms are paid for.
- Q. 8. Whether it does not frequently happen that Persons are removed by Habeas Corpus from the Bench to the Fleet, and from the Fleet to the Bench?
 A. This is answered by the Marshal and the Warden.
- Q. 9. How much do the Donations amount to, and how are they disposed of among the Prisoners?
 A. £. 51 10 s. per Annum, and are received by the Prisoners on the Common Side.
- Q. 10. Whether there is not a Sum of Money paid, called High Barr Money, and how is it disposed of among the Prisoners?
 A. There is no such Sum of Money paid.
- Q. 11. Rule respecting the Rules, and to state the Regulations to the Committee?
 A. The Rules were burnt in 1780, but all Disputes or Differences are settled by the Sheriffs and the Keeper.
- Q. 12. To give an Account of those who have Families, &c.
 A. One hundred and Thirty-six.
- Q. 13. To state, as near as possible, how many there are who do any Thing to support themselves by working at their Trades?
 A. Nine Work at their Trades.
- Q. 14. How many surrendered upon the Act passed in the Year 1780?
 A. Newgate was not re-built till the Year 1783, consequently no Surrender there.
- Q. 15. How many Deaths have happened in each Year since the Year 1780?

		Died,
A. 1783 to 1784	—	2
to 1785	—	3
to 1786	—	2
to 1787	—	9
to 1788	—	6
to 1789	—	10
to 1790	—	3
to 1791	—	4
		<hr/>
		45
		<hr/>

Average

Average of Debates committed and discharged per Ann.—450.

D^o of Court of Conscience Debates per Ann.—80.

Names of Prisoners in Receipt of their Groats.

C. Driffield,	Dickinson,
T. Brattle,	Mabbitt,
T. Brice,	Aberdeen,
J. Sinfeld,	R. Saunders,
J. Wheatley,	Carr,
T. Wheatley,	William,
S. Richards,	Clews,
J. Pountney,	Jones,
T. Dunn,	A. Sala,
J. Beale,	Barnes,
W. Dawson,	W. Stockbridge,
Parker,	Herring,
Martin,	Wallhead.

A P P E N D I X, N^o 4.

A N S W E R S of Mr. NEWMAN, Keeper of Ludgate Prison, to Questions put to him by the Committee.

Q. **H**OW many Rooms are there in the Prison, and their Rents?

A. On the Ground Floor, a Kitchen, Tap-Room, Hall, Dark-Lumber Room.

On the First Story—a dark Room, N^o 4, N^o 5, N^o 6, and N^o 7, and Dark Room.

Second Story—N^o 2, N^o 3, N^o 7, N^o 9, and Room adjoining Stair Case.

Third Story—N^o 10, Room called Cock Pit, and Room called Forett, and Three small Bed Rooms for the Use of the Sick.

Q. How many have Rooms for which they pay Rent?

Q. How many have Rooms for which they pay no Rent?

A. Three Pence per Week is demanded of each Prisoner, which is mostly paid when they come on their Discharge (none being taken during their Confinement) except those discharged as Paupers.

Q. How

Q. How are those accommodated who are not able to pay Rents?

A. There are none in Ludgate under the above Description.

Q. What is the Expence of a Prisoner's procuring his Discharge under the Insolvent Act?

A. Three Advertisements in the News-papers, and One Shilling for being taken before the Magistrate.

Q. How many are there in the Prison in the Receipt of their Gratuities?

A. Six.

Q. In any State of the Fulness of the Prison, can any Prisoner have a separate Room by paying for it?

A. Not unless taken into the Keeper's House, which is very rarely done; and there has never been any Gratiuity taken for the same.

Q. Whether it does not frequently happen, that Persons are removed from the Bench to the Floor, and from the Floor to the Bench?

A. This is answered by the Marshal and the Warden.

Q. How much do the Donations amount to, and how are they disposed of among the Prisoners?

A. About £. 52 per Annum, besides about £. 35, or more, for the Discharge of such Prisoners for Small Debts, as can agree with their Plaintiffs. This is more fully answered by the Steward of the Prison, in his List of Donations.

Q. Rule respecting the Rules, and to state the Regulations to the Committee?

A. The above is answered by Prison Book of Rules and Orders brought for the Inspection of the Committee.

Q. To give an Account of those who have Families, &c.?

A. The above is answered in the next Folio.

Q. To state, as near as possible, how many there are who do any thing towards supporting themselves by working at their Trades?

A. The above is answered in the next Folio.

Q. How many surrendered upon the Act passed in the Year 1780.

A. No Escape; the Prisoners having selected themselves in the Garret in the Keeper's House, that they might not be turned by the Rioters.

Q. What Number of Deaths have happened in each Year since the Year 1780?

A. In 1787	—	John Maddox,
In 1788	—	David Sinclair,
In 1789	—	John Conry,
In the present Year,		William Moore,

Receives

		Edward Piffor	—	—	—	1 Child	—	Poor		
Receives Groats	—	John Lyon	—	—	—	—	—	Poor	—	Works
Receives Groats	—	John Simpson	—	—	Wife and	4 Children	—	Poor	—	Industrious
		George Brown	—	—	Wife and	7 Children	—	Poor	—	Industrious
		John Sotherland	—	—	Wife and	4 Children	—	Poor	—	Industrious
		William Aubrey	—	—	Wife and	2 Children	—	Poor	—	Sick
		Anthony Farmer	—	—	Wife	—	—	Poor	—	
Receives Groats	—	Samuel Maffey	—	—	—	2 Children	—	Poor	—	
		Henry Chapman	—	—	Wife and	4 Children	—	Poor	—	
		William Cheek	—	—	Wife and	2 Children	—	Poor	—	
		Walter Humphrys	—	—	Wife and	Child	—	Poor	—	
		John Covington	—	—	Wife	—	—	Poor	—	Industrious
		William Bunyard	—	—	Wife and	Child	—	Poor	—	Industrious
Receives Groats	—	William Gardner	—	—	Wife and	5 Children	—	Poor	—	
Receives Groats	—	Christina Hawk	—	—	—	—	—	Poor	—	
Receives Groats	—	William Jones	—	—	Wife and	Child	—	Poor	—	
		George Cook Penkaze	—	—	Wife	—	—	Poor	—	
		William Wybourn	—	—	Wife and	2 Children	—	Poor	—	
		Lucy Andrews	—	—	Widow, with	2 Children	—	Poor	—	
		William Arnold	—	—	Wife and	3 Children	—	Poor	—	Industrious
		Ralph Moull	—	—	Wife	—	—	Poor	—	Works
		Samuel Yates	—	—	Wife and	4 Children	—	Poor	—	
		William Miller	—	—	Wife and	2 Children	—	Poor	—	
		George Upton	—	—	Wife	—	—	Poor	—	
		Richard Basty	—	—	Wife and	5 Children	—	Poor	—	
		James Sanfom	—	—	Wife	—	—	Poor	—	
		George Butler	—	—	Wife	—	—	Poor	—	

Months.		Prisoners committed.		Prisoners discharged.
1786 to 1787	—	50	—	44
to 1788	—	35	—	55
to 1789	—	58	—	49
to 1790	—	79	—	61
to May 1791	—	36	—	40

APPENDIX, N^o 5..

The following Questions, answered by Mr. KIRBY, the Keeper of the New Compter, London.

1st. **H**OW many Rooms in the Prison, and their Rents?

There are in the Prison 16 Master Side Rooms for Debtors; for each Room the Keeper is entitled to receive, if he find Bed, Bedding, and Sheets, 2s. 6d. a Week; if the Prisoner provide his own he then pays 1s. 3d. There are also Four large Rooms, called The Common or Charity Side, for Men Debtors, up One and Two Pair of Stairs; on the first Pair they dress their Victims, &c. and the Upper Rooms are fixed up with Barracks sufficient for Sixty Persons, where they sleep; the Ground Floor is open, and in wet Weather they walk there, &c.; the Dimensions of these Rooms are 33 Feet in Length, and 15 Feet in Breadth; this Building is in a spacious oblong Yard, and separated from the other Parts of the Prison by a strong Gate; these Prisoners pay no Rent, nor any Entrance whatever. That there are inclosed in an airy separate Yard, 40 Feet by 17, a spacious Building for Women Debtors, containing Six Rooms; Two of the upper Rooms are very conveniently fixed up with substantial Wooden Bedsteads, sufficient to lodge Thirty Persons; in the other Rooms they cook, wash, &c. they pay no Entrance Money, nor any Rent whatever. There are also Two Rooms, One for each Sex of Debtors when sick.

2d. How many have Rooms for which they pay Rents?

There are at this Time Eighteen who pay, or ought to pay, for their Rooms.

3d. How many have Rooms, for which they pay no Rents?

There are Twenty-six Men and Six Women in the Common or Charity Ward, who pay no Rent.

4. How

4. How these are accommodated, who are not able to pay Rents ?
The Persons who are in the Charity Wards have each of them a Rug delivered to him or her, when he or she first is brought to Prison, or chuseth to go from the Master's Side Rooms to the said Wards; they have each a Penny Loaf of Bread per Day, Forty-eight Pounds of Beef per Week allowed by the Sheriffs, and great Quantities of Provisions from the London and other Taverns, from different Halls, and private Persons, divided amongst them.
5. What is the Expence of a Prisoner procuring his Discharge under the Insolvent Act ?
The Expence of a Prisoner being discharged by the Insolvent Acts, which have passed within the Knowledge of the present Keeper, have been as follows; for Three Advertisements in the Gazette, 6*s.*; for Two Schedules, a Warrant, and Oath, 6*s.*; to the Mayor's Clerk for the Warrant, 1*s.*; to the Clerk of the Peace for a Duplicate of the Discharge, 2*s.* 6*d.*; and the Keeper's Fee 1*s.* for taking up into Court to be discharged.
6. How many are there in the Prison, in Receipt of their Groats ?
There are Eight; viz. Mary Blackburn, Timothy Oram, Daniel Coffey, George Pamison, John Davis, Thomas Mathews, Peter Bellamy, William Hughs.—N. B. George Pamison being a Lieutenant of the Navy on Half Pay, the Judge of the Sheriff's Court made an Order for him to have One Shilling a Week only, and he has refused taking it.
7. In any State of the Fullness of the Prison, can a Prisoner have a separate Room by paying for it ?
It may happen, that all the Rooms may be full, and that a Person cannot have a Room to himself.
8. Whether it does not frequently happen, that Persons are removed by Habeas Corpus from the Bench to the Fleet, and from the Fleet to the Bench ?
This Question does not relate to the Compagn.
9. How much do the Donations amount to, and how are they disposed of among the Prisoners ?
The Donations amount to £. 5*s.* 2*d.* 5*d.* per Annum; some of them paid Quarterly, some Half-yearly and Yearly, but for many Years the Keeper has advanced the Prisoners a Weekly Sum according to their Expences; and as they keep their own Accounts, they repay him when the Money comes into their Hands; it is chiefly laid out in Coal, Candles, Provisions for the Sick, paying for fetching in the Viands from different Taverns, Public Halls, &c. which is generally very valuable, and keep them from Want; and before the present Method they used to divide the Money amongst them every Quarter, which they soon spent in Drunkenness, &c. and were afterwards greatly distressed, and perishing through Cold and Hunger.
10. Whether

10. Whether there is not a Sum of Money paid, called High Barr Money, and how is it disposed of among the Prisoners?
Know not what High Barr Money means, have no such Fund come to this Prison.
11. Rule respecting the Rules, and to state the Regulations to the Committee?
Have no Rules to Prisoners here, but Rules to govern them by.
12. To give an Account of those who have Families, &c.?

27	Men have Wives,	and 68	Children.
2	Men, Widowers	—	4 Children.
1	Woman, Widow	—	1 Child.

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13. To state as near as possible, how many there are who do any Thing towards supporting themselves, by working at their Trades? *
On the Male Side, Persons employed in Trades are— One Attorney, a Carver, a Taylor, a Pattern Drawer, and a Cabinet Maker.
On the Men's Common Side, none work at Trades: The Women wash and work.
14. How many surrendered upon the Act passed in the Year 1780?
There were only Three who escaped in the Year 1780: One of them the Keeper re-took before the Act, and the other Two surrendered.
15. What Number of Deaths have happened in each Year since the Year 1780?

1781—None	1786—One
1782—None	1787—One
1783—One	1788—Five
1784—None	1789—One
1785—Two	1790—None
	1791—None.

New Compter, London,
23d May 1791.

JOHN KIRBY, Keeper.

A P P E N D I X, N^o 6.

A Copy of Questions and Answers returned from the Prisoners in Custody of the Sheriff of London, in the Poultry Compter.

Q. **H**OW many Debtors are there confined in the aboveſaid Priſon ?
A. Thirty-five Debtors.

Q. Take them on an Average, how long have they been confined ?

A. One Eight Years, One Six, One Three, and all others upon an Average Twelve Months.

Q. What Variations in the Number confined in your Priſon has there been within the Time you have been in Cuſtody, and how long has been ?

A. During the Time of my Confinement, which has been Seven * Years, though fluctuating, the Variation has been but little.

Q. How many appear to live in extreme Poverty ?

A. The Whole of them.

Q. How many do you ſee, from their general Manner of living, appear to have any Property of their own beſides their bare Neceſſaries ?

A. The Whole of them are in very neceſſitated Circumſtances.

Q. How many, from their general Reputation in the ſaid Priſon, are ſuppoſed to be able to pay the Whole of their Debts, or any conſiderable Proportion ?

A. From their general Appearances they can pay but little, and many nothing at all.

Q. How would you divide the Number as to their Rank and Life ?

A. Three Merchants, Six Traders, Twenty-one Mechanics, One Attorney, Three Seamen, and One Labourer.

Q. Have you collected an Account of the Number of Wives and Children belonging to the Debtors in your Priſon ; and what is their Number ?

A. Twenty-three Wives, and Fifty Children.

CHRIS^t HODGSON,

March 28th 1791.

Seward.

* John Ward,
Alex. Smith.

APPENDIX, N° 7.

Martin, 14^e die Februarii, 1792.

COMMITTEE to enquire into the Practice and Effects of Imprisonment for Debt.

Mr. JOSEPH BIRCHELL, examined.

Do you hold an Official Situation in the Office of the Sheriff of Middlesex?

I do; and am an Attorney. I act as Under Sheriff of Middlesex. I have been in that Office Twelve Years.

How many bailable Writs, that is, Writs on which the Defendant might be arrested if he does not find Bail, are, upon an Average, issued into Middlesex Annually?

About 9,500 on *Mefne Procefs*.

How many Arrests, on an Average, are actually made Annually in that County on *Mefne Procefs*?

Between 5 and 6,000; possibly there may be more.

How do you ascertain these Facts?

By the Entries made in the Sheriff's Office.

What do you take to be the Average Number of Writs for Debts under £. 50?

Seven thousand Annually.

How many under £. 20?

About One Half.

How many Defendants, on an Average, are actually sent to Prison Annually?

About 900, speaking as to the County of Middlesex only. In all these Sums I speak of Middlesex only, exclusive of London.

Of those who go to Prison, what Proportion do you find whose Debts are under £. 20?

More than One Half.

What are the usual Expenses attending an Arrest, and of completing the Appearance of the Defendant by Special Bail?

At the least about £. 2.

Do the Expenses of such Proceedings vary?

They

They do; and depend on the Amount of the Debt, in Proportion to which a Fee is usually paid to the Bailiff making the Arrest.

Does it frequently happen that the Defendant is detained in Custody on more than One Action?

They are frequently detained on several Actions. ●

Are the Expences incurred on that Account?

The Expences accumulate in Proportion to the Number of Actions; but should he be detained on Three Actions for £. 10 each, the Expences of the Arrest, and of completing his Appearance by Special Bail, will amount to £. 24 or £. 25. I compute this as the least possible Expence upon Three Actions of £. 10 each.

What appears to you to be the Average Number of Debts which are Annually settled immediately on the Arrest?

I do not think that One in Five pay their Debts, or settle with their Creditors on the Arrest.

Does the Sheriff usually take Bail, or what Security for the Appearance of the Defendant?

The Debtor is usually discharged on giving a Bail Bond executed by himself and Two Friends, or an Attorney's undertaking for his Appearance.

Is the Sheriff ever requested by the Defendant to take a Deposit of Money as a Security for his Appearance?

The Sheriff has sometimes been offered Money, but this is refused as contrary to Law; but I have Reason to believe that the Bailiffs do sometimes take Money.

Are any Fees paid on Discharge of Defendants and Debtors from Gaol?

The Sheriff usually takes a Fee of 4 s. 3 d. on the Discharge of a Debtor either in Execution or *Messe Proceß*, and I think a Fee of 8 s. 10 d. is taken by the Keeper of the Prison.

Are Defendants or Debtors ever detained in Custody for Non-payment of such Fees?

By the Sheriff's never.

Are Bails frequently found to be insufficient on Examination, and therefore rejected?

They are.

What is the Consequence of Bail being so rejected?

The Debt and Costs are generally paid by the Sheriff in Consequence of *Proceß* of Contempt against him for the Debtor's Non-appearance.

Are those Proceedings attended with a considerable additional Expence?

About Three or Four Pounds; which falls ultimately on the Debtor—and in the Event of his Insolvency upon the Creditor.

In

In case new Bail is offered and rejected, what is the Consequence?

Attended with additional Expence, payable in like Manner, by the Sheriff in the First Instance, and then by the Debtor, if he is able, or his Bail.

Does it frequently happen that after all these Proceedings, the Defendant surrenders himself into Custody, or is surrendered by the Bail, whereby they are discharged?

When the Bail are apprehensive of Danger, they generally surrender the Debtor to Prison in their Discharge, and it will sometimes happen that after the Return of the Process on which the Debtor has been arrested, perhaps at the Distance of Six Weeks or Two Months, if the Sheriff's Officer who made the Arrest has Reason to apprehend that the Debtor cannot procure Bail who will justify according to the Rule of the Court, Bail is put in at the Expence of the Sheriff's Officer merely for the Purpose of surrendering the Debtor to Prison in order to discharge the Sheriff from his Responsibility.

Is the Number ofailable Writs, or Writs for the Purpose of Arrest for Debts under £. 20, gradually increasing?

They are increasing rapidly.

Did you ever know an Instance, when a Division actually took Place of the Effects of an Insolvent Debtor, of his being discharged under the Authority of the Act commonly called the Lords Act?

I never heard of the Division of an Insolvent Debtor's Effects under the Lords Act, nor of any Debtor having been brought up under the compulsory Clause which entitles the Creditor to compel a Surrender of the Debtor's Property.

Can you give the Committee any Account of Persons arrested in Execution where the original Debt without Costs was below £. 10?

Several, and with the Costs under £. 10.

Have you known Instances of Persons insolv being arrested?

Yes—and I think that in One or Two Instances the Court have refused to discharge the Party.

When you state the Number who actually go to Gaol, is it exclusive of those who go to Lock-up or Spunging Houses?

Most certainly, because they must amount to some Thousands who go to Lock-up Houses.

Is not this attended with great Expence?

I have never made any Inquiry in my Official Situation, having never had any Complaint made to me; but I have an Opportunity of knowing, in Point of Fact, that it is attended with very considerable Expence.

May every Prisoner in a Lock-up House call for what expensive Provisions and Liquors he pleases?

I know of no Objection.

Are the Articles used by Prisoners in Spunging or Lock-up Houses charged

charged to them by the Persons keeping such Houses at an exorbitant Rate?

I have understood so, but I cannot state it as a Fact within my own Knowledge.

A P P E N D I X, N° 8.

Miercuri, 15^a de Februarü, 1792.

COMMITTEE on Effects of Imprisonment for Debt.

Mr. BIRCHELL again examined.

Does it frequently happen, after a Defendant has lain many Months in Prison, the Plaintiff is nonsuited, or discontinues the Action?

The Plaintiff is sometimes nonsuited, but Debtors are daily discharged by Reason of their Discontinuance of the Action, or because the Plaintiff does not judge it prudent to be at any further Expence.

Does it frequently happen, that the Defendant is discharged for Want of proceeding against him?

Very often, and after being several Months in Prison.

Is the Sheriff, after having taken Bail, bound for the Appearance of the Debtor?

The Sheriffs, having arrested the Debtor, are bound, at all Events, for his Appearance; and therefore they are compelled to be very scrupulous in taking Bail, which puts the Debtor under considerable Difficulties, and especially as Two are necessary. When sufficient Bail cannot be procured, the Plaintiff may proceed either against the Bail or the Sheriff. The Difficulty of procuring Bail is very much increased, by Reason that none but House-keepers are qualified to justify in Court.

Withdrew.

TOWNLEY WARD, Esquire, examined.

Is in the Profession of the Law.

Has it occurred to you in the Course of your Practice to observe on the Effects of Arrests and Imprisonment for Debt?

It has frequently.—I have known Instances where Persons arrested for considerable Sums, and the Causes have afterwards proceeded to Trial, the Verdicts have passed in Favour of Persons so arrested.—With respect to Imprisonment where Debtors are imprisoned, and the Plaintiffs do not proceed against them according to the Practice of the Courts of Law, such Debtors must procure their own Discharge at their own Expence, unless the Plaintiffs think proper to give such Discharge.

Must a Debtor, on an Arrest, be committed to Prison if he cannot find Bail?

The Sheriff has a Right, if he thinks proper, to detain the Body of the Debtor till the Return of the Writ; but in all such Cases that Indulgence cannot be obtained without a considerable Expence to the Debtor.—I apprehend it is owing to the Indulgence of the Sheriff, or his Officer, that such Debtor is not sent to Prison after the Expiration of Twenty-four Hours from the Time of the Arrest.

How long may a Debtor remain in Confinement from the Time of his being first arrested to the Time of Trial?

If a Debtor should be arrested any Day in Trinity Vacation, the Plaintiff in that Action is not bound to file a Declaration against the Defendant till the last Day of the succeeding Hilary Term, which contains a Period of more than Seven Months.—The Plaintiff has Two Terms to proceed to Trial or Judgment, so that the Debtor may be kept in Confinement Twelve Months before the Cause is tried.

If upon the Trial the Debt should not be proved, and the Defendant of course entitled to his Discharge, does he obtain Costs from the Plaintiff?

In such a Case the Defendant is entitled to taxed Costs, but which bear no Proportion to the Expence he must necessarily have been put unto, in Consequence of that Arrest, nor can he maintain any Action for false Imprisonment against the Plaintiff, unless the Jury on the Trial of that Cause shall be of Opinion that he was maliciously held to Bail.

Has it often happened within your Knowledge, that a Defendant has succeeded in an Action for malicious Imprisonment?

Very few Instances have occurred in which the Debtors have succeeded in such Actions, as it is necessary, in order to maintain such Action, to shew that the Arrest was malicious.

Has it often happened within your Knowledge, that the Debtor has been discharged upon Trial?

A Debtor is not entitled to have his Discharge immediately upon the Trial; and it may so happen that a Cause is tried at the Sitings after Trinity Term,

Term, wherein a Verdict shall be found for the Debtor, yet that Debtor cannot obtain his Discharge from such Imprisonment before the succeeding Michaelmas Term, which may make a Period of Four Months.

Upon his Discharge is he entitled to any Consideration for his Loss of Time and Labour during his Confinement?

No.

Do you know that Persons are frequently arrested on Oath of the Plaintiff, where the Defendant goes to Prison for Want of Bail, and the Plaintiff shall delay his Proceeding for Two Terms, and on the Third Verdict shall pass against the Plaintiff?

No such Instances can occur, because the Defendant is entitled to his Discharge in Consequence of the Plaintiff not having proceeded to deliver his Declaration before the End of the next Term after the Return of the Process.

Have you had an Opportunity of observing that Debtors have remained in Prison, who have been able to discharge their Debts?

I know of One particular Instance, which is the Case of Benjamin Pope, who is now in the Fleet Prison at my Suit, as surviving Administrator of Sir Alexander Leith, Baronet, upon Execution of *Capias ad Satisfaciendum* for £. 10,000 and upwards.

Have you Reason to believe that Mr. Pope is in Possession of Property equal to the Discharge of that Debt?

I have Reason to believe at the Time Mr. Pope was committed to Prison he had Property to a much greater Amount than was sufficient to discharge such Debt, and I believe he is still possessed of Property more than sufficient for that Purpose.

State the Circumstances on which you ground that Belief?

On the Trial of the Action against Pope by Sir A. Leith, and for the Damage and Costs given on that Action he is now in Custody, it was proved that Pope was possessed of Property to the Amount of more than £. 40,000, and it was the then general Opinion of the World, that he was possessed of £. 100,000. Pope being in Execution, it was not in my Power to seize any Part of his Effects, Real or Personal, the Law having considered that I had made my Election by taking his Body. Information has been repeatedly given me since he has been in Execution of his having Property to a very great Amount.

How long has he been in Prison?

I believe about Nine Years—but the Return will shew.

Do you know any Thing of his Manner of living in Prison?

I have been frequently informed that he lives in a very frugal, economical Manner, and that his Expenses do not amount to £. 50 per Annum—that being entitled, in consequence of his Length of Confinement, to a Room in the Prison, which lets for a considerable Rent, a Guinea per Week, he has disposed of that—and that he resides in a Room for which he pays only One Shilling per Week.

What

What has been the Expence to you of the Arrest and other Prosecutions against Mr. Pope, since the Verdict?

I have paid to the Sheriff of Middlesex Poundage on £. 10,000 and upwards, at the Rate of One Shilling in the Pound for the first £. 100, and Six Pence on every £. 100 exceeding £. 100, for which the Sheriff commenced an Action against me, and I was compelled to pay it, under a Judgment of the Court of King's Bench; no Part of which can I recover from Mr. Pope, nor the Interest on the Money, since the Judgment, and which Interest is a Saving to the Defendant Pope of £. 500 and upwards, Annually.

Do you know any other Instances of the same Sort?

I cannot at present state the Names of other Debtors, but I have known in the Course of my Practice a great Number of Debtors, who have remained in Prison, and were possessed of Property sufficient to discharge their Debts.

Withdrew.

Mr. RICHARD GRASSWELL, Secretary to the Society for the Discharge and Relief of Imprisoned Debtors, commonly called the Thatched House Society, examined.

How long have you been so?

Near 6 Years.

Is it the established Rule and Practice of the Society to make very strict Enquiry into the Character and Conduct of imprisoned Debtors who apply for Relief?

It is the constant Practice of the Society, to relieve none but such whose Character have been strictly enquired into.

[A Paper delivered by the Witness, containing an Account of the Society.]

To obtain Benefit from this Charity, each Petitioner is obliged to name Two reputable Housekeepers as Vouchers for his Integrity, Sobriety, and Industry, to whom the Society constantly refer for their Enquiries, and by this Means preclude even a Possibility of Imposition.

Is it a Rule of this Society to prefer the most aged and infirm of those who apply for Relief?

It is the Rule of the Society to prefer those who are in the most indigent Circumstances.

When was this Society instituted?

In February 1772.

Does it extend its Enquiries and Relief to Debtors in County Goals?

The first Institution appeared to be confined only to the Metropolis, but it gradually extended its beneficial Effects to several County and City Goals,

Goods, and stands at this Time unlimited in its Operation within the Kingdom.

Can you state the Number of Debtors relieved, from the first Institution of the Society to the present Time, and the Sums paid for their Relief, with the Number of their Wives and Children?

Delivers in a written Account, from which it appears that the Sum Total of Debtors discharged and relieved by the Charity of the Society, is 12,590, who had 7,842 Wives, 23,268 Children, amounting in all to 43,700 Persons—the Average of the Money expended for the Debtors, about 45*s*. each, to procure their Discharge; and for those who have been relieved, about 13*s*. each—The Whole of the Expenses of the Society from its first Institution, by which the Numbers above stated have been discharged or relieved, amounts to £.29,384. 10*s*. 2*d*.

Do you find, from the Enquiries of the Society, that in general the greater Part of the Debts so settled consists in Law Charges and Costs?

The greater Part of small Debts appear to be frequently Double the original Debt, often Treble, and sometimes Six Times the Amount, and more.

Is it not a fundamental Rule of the Society to pay no more than £. 10 for any One Debtor?

Yes.

Can you give a separate Account of those discharged, and those relieved?

Under the Head of discharged, about 400 Annually, for which the Society pays Compositions—those who have been superseded may come also under that Description, to the Amount of about 130—relieved by obtaining the Grants, about 150—discharged by the Payment of Fees for which they were detained in Prison, about 50 Annually.

Of the 12,590 Debtors, stated in the written Paper delivered in to the Committee to have been discharged and relieved, can you state what Number have been actually discharged?

Not separately—but upon the Calculation I have given of those discharged Annually, the Number will be about 11,600.

Of what Description of Persons is the greater Part of the Debtors relieved?

About Two-thirds Manufacturers and Labourers—the Remainder Seamen, Dealers and Chapmen, and various Professions.

Do you find, by the Enquiries and Proceedings of the Society, that many Debtors are long confined by their Creditors without any apparent Ability to pay, and yet without being accused by their Creditors of Fraud?

Yes: it appears on the Books that the following Case occurred:—A young Man, about 25 Years of Age, had a Wife and Five Children, who had an Employment in One of the Public Offices, was arrested for several different Sums, to the Amount of £. 100, or upwards;—as he had nothing to pay, he remained 15 Months in Prison, totally deprived of Employment—then all his Actions were superseded by the Society for £. 6.—

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Another

Another Instance in my own Recollection, was the Case of Robert Woodman, who was detained in Marshalsea Gaol near Three Years, after being entitled to the Graces, from January 1788 to December 1790—the Amount of the Debt was £. 200, for which the Society paid a Composition of Eight Guineas, and obtained his Discharge.

Do you know that Debtors are long confined on their Graces under the Lords Act, after forwarding their Effects as prescribed?

I know an Instance in which the Graces were paid for Five Years and upwards, to an aged Man, who had a Wife and Eleven Children, for a Debt of only £. 25.

In stating these particular Instances, do you mean to say that they are the only Instances of the Sort which have come within your Knowledge?

Nor by many.

Have you known several Instances of Persons confined for a long Time for Small Debts, without any Charge of Fraud?

I have.

What is the Expence of obtaining the Discharge of a Debtor under the Lords Act?

To a Debtor, if he applies to his own Attorney, I have generally understood it to cost him between Two and Three Guineas—if in a County Gaol, as it often happens, his Plaintiff lives at a considerable Distance, on whom Notices must be served—but the Society contract for that Business with their Solicitor, at a much less Expence.

Does any Division of the Debtor's Effects actually take Place, as the Act prescribes?

I never heard of any.

Have you found that in many Prisons the Debtors are obliged to live and associate with Felons; and that in the County in particular they are often confined at a great Distance from their Families, and their usual Places of Abode?

I don't find that in Prisons within the Metropolis that to be the Case, but in the County Gaols I am well informed it is so—this relates only to the Circumstance of their being mixed with Felons in their Confinement—When I say I am well informed it is so in County Gaols, I mean that it is so in many County Gaols—It frequently happens both in London and Country, that Debtors are confined at a great Distance from their Families and Friends.

[The Witness delivered in a List of Persons discharged by the Thatched House Society, where the Law Charges have exceeded the original Debt.]

Witnessed.

APPENDIX,

Cases wherein the Law Charges and Costs have exceeded the Original Debt, as stated by Mr. Graffwell.

		Debt.			Costs.			Observations.
		£.	s.	d.	£.	s.	d.	
	William Taylor, - - - - Exeter Society liberated by Composition of Four Guineas, 14th May 1790.	6	6	—	12	4	—	Nearly Double.
	John Ayres, - - - - - Horsham Groats obtained June 1790.	2	3	11	14	10	—	Six Times.
	Matthew Robinson, - - - King's Bench Groats obtained 25th November 1790.	1	19	—	33	—	—	Fifteen Times.
	John Mackay, - - - - King's Bench Groats obtained 25th November 1790.	26	—	—	30	—	—	Eight.
	William Coverley, - - - King's Bench Superceded by Society.	12	—	—	23	—	—	Double.
	Andrew Chisholm, - - - Marshalsea Groats obtained by Society 1st December 1790.	1	1	—	4	19	10	Four Times.
	Thomas Smith, - - - - Marshalsea Fees and Lodging, 6th April 1790.	2	6	—	6	8	—	Near Three Times.
	William Stevens, - - - D ^r Groats - - - 6th April 1791.	4	—	—	10	18	10	Double.
	William Haines, - - - D ^r Groats - - - 6th April 1791.	1	19	—	5	17	—	Three Times.
	William Woodfield, - - D ^r Groats - - - 10th May 1791.	—	14	—	6	16	10	Nine Times.

A LIST

A P P E N D I X, N^o 9.

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A LIST of the Number of Debtors, with the Money Annually expended by the Society for the Discharge and Relief of Persons imprisoned for small Debts, from the Institution, February 1773, to February 1793; originally held at the Thatched House Tavern, but now in Craven Street, in the Strand.

Year.				£.	s.	d.
1773 to 1774	-	1722	Debtors discharged, for the Sum of	4,622	17	1
1775	-	996	-	-	1,724	1 11
1776	-	873	-	-	1,842	13 3
1777	-	877	-	-	1,729	19 7
1778	-	779	-	-	1,764	— 11
1779	-	811	-	-	1,611	15 3
1780	-	628	-	-	1,288	17 1
1781	-	321	-	-	828	15 9
1782	-	389	-	-	935	3 9
1783	-	547	-	-	1,121	12 —
1784	-	535	-	-	996	12 3
1785	-	463	-	-	904	9 1
1786	-	339	-	-	715	8 9
1787	-	343	-	-	749	— 10
1788	-	710	-	-	1,566	4 2½
1789	-	612	-	-	1,926	3 3½
1790	-	798	-	-	2,303	9 3½
1791	-	666	-	-	1,777	— 6
1792	-	381	-	-	976	5 5
				12,590		
Who had				7,842	Wives,	
and				23,268	Children.	
43,700 Persons immediately bene-						
fited for						
				29,384	10	2½

The Average for the Debtors about 45 s. each ;
and of Persons relieved about 13 s.

APPENDIX, N° 10.

Veneris, 17^e die Februarii, 1792.

COMMITTEE on the Effects of Imprisonment for Debt.

PHILIP WYAT CROWTHER, Esquire, examined.

I hold the Office of Secondary of the City of London—have been in the Office of Secondary Two Years—am also Solicitor to the City of London.

How many bailable Writs are on an Average issued into London Annually?

Three thousand and Fifty-five.

How many Arrests are, on an Average, according to the best of your Knowledge, actually made in the City of London Annually on *Meine Proceß*?

There must be at least One thousand Five hundred.—The Sheriff has no actual Return of all the Arrests made, so as to make this Answer more correct.

Can you state the Average Number of Writs for Debts under £. 50?

In the Course of the last Year Two thousand Two hundred and Ten Warrants were issued upon bailable Proceß to that Amount; but I cannot ascertain how many actual Arrests took Place in consequence.

How many under £. 20?

One thousand One hundred and Forty.

Can you state how many Defendants actually go to Prison Annually?

For the last Year Two hundred and Sixty-two.

Of those how many for Debts under £. 20?

One hundred and Twenty-one.

What is the usual Expence attending an Arrest, and of completing the Appearance of the Defendant by Special Bail?

About £. 8 or £. 9.

What appears to be the Average Number of Debts which are Annually settled immediately on the Arrest?

I cannot speak with Certainty—but from the best Information I can collect from the Clerks in the Office, I should take it to be about One Fifth.

Does the Sheriff usually take Bail, or what Security for the Appearance of the Defendant?

He takes a Bond executed by the Defendant with Two Sureties—but in Cases where the Attorney is a Man of Respectability, a Practice has prevailed

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with

with the Sheriff's Officer of accepting the Undertaking of the Defendant's Attorney.

Is the Sheriff ever requested by the Defendant to take a Deposit of Money, or any other Security for his Appearance?

Application to that Effect has been made, but refused as contrary to Law.

Is it ever known that the Sheriff's Officer does ever in fact accept such Offer?

Indirectly I believe it is so, but it is without the Knowledge of the Sheriff.

Are any Fees paid on the Discharge of Defendants and Debtors from Goal?

The Witness delivered in an Account of Fees, from which it appears that the total Amount of Fees at the Poultry and New Comptons are 15*s*. 6*d*. and at Ludgate 7*s*. 8*d*.

Are Defendants or Debtors ever detained in Custody for Non-payment of such Fees?

Most certainly never for the Sheriff's Fees or Poundage, and I believe never for the Goal Fees, because there are Charities in the City of London, from which Persons of that Description have applied for the Discharge of the Fees, and they are always relieved.

Are Bails frequently found to be insufficient on Examination, and therefore rejected?

Most certainly, though they tendered themselves, and were ready to swear, as required by Law, that they were worth double the Sum for which the Action was brought.

What is the Consequence of Bail being so rejected?

That the Court will sometimes, on Application, give them Time to add another Bail; but if refused, which is frequently the Case, then Attachment issues against the Sheriff—on which he is immediately compelled to pay the Debt and Costs.

Does not the Expence of these Proceedings in general fall ultimately on the Defendant?

If the Defendant is in a Situation to pay, they certainly all fall on him; if he is insolvent, then the Loss certainly falls on the Plaintiff. When the Attachment issues against the Sheriff, he pays the Money. He then resorts to the Bail Bond; and it frequently occurs that they are the same Bail who have been rejected in Court. If they are insufficient, then the Sheriff sustains the Loss.

Does it frequently happen that the Defendant surrenders himself into Custody, or is surrendered by his Bail, whereby they are discharged?

Yes.

What is the additional Expence of this Proceeding?

About £. 3 for every Action.

Do you find that in the City of London the Number of bailable Writs for the Purpose of Arrests for Debts under £. 20 is increasing?

They certainly are, but not to any large Amount.

Did

Did you ever know an Instance where a Division actually took Place of the Effects of an Insolvent Debtor, under the Authority of the Act commonly called The Lords Act?

No: I thought it had been so, but on Enquiry I found it was not so.

Do you know of any Instance where the Debtor has been brought up under the Clause of that Act which entitles the Creditor to compel Surrender of the Debtor's Property?

I do not.

Withdrew.

